

1                                   IN THE UNITED STATES DISTRICT COURT

2                                   FOR THE DISTRICT OF HAWAII

3

4       UNITED STATES OF AMERICA,       )       CRIMINAL NO. 19-00099-DKW

5                                   Plaintiff,       )       Honolulu, Hawaii

6                                   )       April 16, 2024

7       vs.       )       CONTINUED TESTIMONY OF

8       MICHAEL J. MISKE, JR.,       )       JACOB SMITH

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10 PARTIAL TRANSCRIPT OF JURY TRIAL (DAY 51)  
BEFORE THE HONORABLE DERRICK K. WATSON,  
CHIEF UNITED STATES DISTRICT COURT JUDGE

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23 300 Ala Moana Boulevard  
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25 Proceedings recorded by machine shorthand, transcript produced  
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1 April 16, 2024 8:35 a.m.

08:35AM 2 THE CLERK: Criminal Number 19-00099-DKW-KJM, United

08:35AM 3 States of America versus Michael J. Miske, Jr.

08:35AM 4 This case has been called for jury trial, day 51.

08:35AM 5 Counsel, please make your appearances for the record.

08:35AM 6 MR. INCIONG: Good morning, Your Honor. Mark Inciong,

08:35AM 7 Michael Nammar, KeAupuni Akina, and Aislinn Affinito for the

08:35AM 8 United States. Also with us again are special agent Thomas

08:35AM 9 Palmer and Kari Sherman. Good morning.

08:36AM 10 THE COURT: Good morning.

08:36AM 11 MR. KENNEDY: Good morning, Your Honor. Michael

08:36AM 12 Kennedy with Lynn Panagakos, Michael Miske, Ashley King, and

08:36AM 13 Josh Barry. Good morning.

08:36AM 14 THE COURT: Good morning. You may be seated. Good

08:36AM 15 morning to our 16-person jury. Mr. Smith, good morning to you,

08:36AM 16 sir. I'll remind you before you resume your testimony this

08:36AM 17 morning that, as in the last couple of days, that you remain

08:36AM 18 subject to the same oath that you took at the inception of your

08:36AM 19 testimony, although we won't take the time to re-swear you.

08:36AM 20 Do you understand?

08:36AM 21 THE WITNESS: Yes.

08:36AM 22 THE COURT: Mr. Kennedy was in the midst of his

08:36AM 23 cross-examination, and you may continue, sir, when you are

08:36AM 24 ready.

08:36AM 25 MR. KENNEDY: Thank you, sir.

08:36AM 1 JACOB SMITH,  
08:36AM 2 (Having been previously sworn, resumed the stand.)  
08:36AM 3 RESUMED CROSS-EXAMINATION  
08:36AM 4 BY MR. KENNEDY:  
08:36AM 5 Q Jorge Cano testified about that robbery, correct?  
08:36AM 6 A Yes.  
08:36AM 7 Q Frankie Silva and Lance Bermudez were already doing  
08:36AM 8 robberies, right?  
08:36AM 9 A Yes.  
08:36AM 10 Q You knew Jorge Cano was a drug dealer, right?  
08:36AM 11 A Yes.  
08:36AM 12 Q You suggested the robbery, correct?  
08:36AM 13 A Yes.  
08:36AM 14 Q You suggested it because you knew he was a drug dealer,  
08:36AM 15 right?  
08:36AM 16 A Yes.  
08:36AM 17 Q Drug dealers then don't report that they have their drugs  
08:37AM 18 stolen, correct?  
08:37AM 19 A Yes.  
08:37AM 20 Q You came up with that plan with Frank Silva and with Lance  
08:37AM 21 Bermudez, correct?  
08:37AM 22 A Yes.  
08:37AM 23 Q Nico Carignan was a drug dealer, correct?  
08:37AM 24 A Yes.  
08:37AM 25 Q You came up with that plan, right?

08:37AM 1 A No, I did not come up with the plan.

08:37AM 2 Q Wayne Miller suggested to you that you have someone

08:37AM 3 impersonate a police officer, correct?

08:37AM 4 A Somebody did. I don't know who did.

08:37AM 5 Q And then Ashlin Akau and Kurt Kipapa, that was an inside

08:37AM 6 job between the two of them, right?

08:37AM 7 A Yeah.

08:37AM 8 Q Nico Carignan was a drug dealer, right?

08:37AM 9 A Yes.

08:37AM 10 Q You robbed him of drugs, correct?

08:37AM 11 A Yes.

08:37AM 12 Q You had firearms there, correct?

08:37AM 13 A Yes.

08:37AM 14 Q That was your plan, right?

08:37AM 15 A No.

08:37AM 16 Q And you had protection, right?

08:37AM 17 A Did I have protection?

08:37AM 18 Q The three firearms that you had there plus a silencer and

08:38AM 19 a --

08:38AM 20 A I didn't have three firearms on me.

08:38AM 21 Q Lance had a firearm, right?

08:38AM 22 A Lance had a firearm.

08:38AM 23 Q You had a firearm, correct?

08:38AM 24 A I had one firearm.

08:38AM 25 Q You said Johnnie had a firearm, right?

08:38AM 1 A Johnnie had a firearm.

08:38AM 2 Q Norm Akau had a firearm with a silencer, right?

08:38AM 3 A Yes.

08:38AM 4 Q And you robbed him of those drugs, right?

08:38AM 5 A Yes.

08:38AM 6 Q You guys came up with that plan, right?

08:38AM 7 A No, I didn't come up with the plan. I was just there to

08:38AM 8 do it. The plan was made already.

08:38AM 9 Q You joined their plan, right?

08:38AM 10 A Yes.

08:38AM 11 Q And that was Nico Carignan, right?

08:38AM 12 A Yes.

08:38AM 13 Q Palani Mitchell, another drug dealer, right?

08:38AM 14 A Yes.

08:38AM 15 Q Targeted because he was a drug dealer, right?

08:38AM 16 A Yes.

08:38AM 17 Q Not to report to the cops, right?

08:38AM 18 A Yes.

08:38AM 19 Q Keali'i Young and his mom set that one up with you, right?

08:38AM 20 A It was just set up already.

08:38AM 21 Q They participated, right?

08:38AM 22 A Yes.

08:38AM 23 Q Ashlin Akau participated, right?

08:39AM 24 A She watched.

08:39AM 25 Q Lance Bermudez and you had firearms, right?

08:39AM 1 A Yes.

08:39AM 2 Q The folks I just mentioned came up with the plan, right?

08:39AM 3 A Yes.

08:39AM 4 Q And you were robbing them of drugs, right?

08:39AM 5 A Yes.

08:39AM 6 Q Drugs that you would turn into money, right?

08:39AM 7 A Yes.

08:39AM 8 Q Drugs that you would turn into money that you would keep,

08:39AM 9 right?

08:39AM 10 A Yes.

08:39AM 11 Q Just like Nico Carignan, right?

08:39AM 12 A Yes.

08:39AM 13 Q Brandon Ota, he was a drug dealer, right?

08:39AM 14 A He was a drug dealer.

08:39AM 15 Q Hunter Wilson had lived at that house, right?

08:39AM 16 A Yes.

08:39AM 17 Q Hunter Wilson was a drug dealer, right?

08:39AM 18 A Yes.

08:39AM 19 Q He knew Brandon Ota was a drug dealer, right?

08:39AM 20 A Yes.

08:39AM 21 Q You came up with that plan, right?

08:39AM 22 A No. We just did it.

08:39AM 23 Q With Hunter Wilson, right?

08:39AM 24 A Hunter Wilson told us how to do it and we did it.

08:39AM 25 Q So was Lance Bermudez, right?

08:39AM 1 A Yes.

08:39AM 2 Q You, correct?

08:39AM 3 A Yes.

08:39AM 4 Q James Salas, right?

08:39AM 5 A Yes.

08:39AM 6 Q You had the mini AR-15, right?

08:40AM 7 A Yes.

08:40AM 8 Q So each of you was armed, right?

08:40AM 9 A Yes.

08:40AM 10 Q That was the protection that you needed, right?

08:40AM 11 A At the time.

08:40AM 12 Q You stole drugs, right?

08:40AM 13 A Yes.

08:40AM 14 Q A chain, right?

08:40AM 15 A Yes.

08:40AM 16 Q You took the drugs and the chain and produced money,

08:40AM 17 right?

08:40AM 18 A Yes.

08:40AM 19 Q Which you kept, right?

08:40AM 20 A Yes.

08:40AM 21 Q Another time where a drug dealer is targeted pursuant to

08:40AM 22 your plan, right?

08:40AM 23 A You keep saying my plan. It wasn't my plan. We did it

08:40AM 24 but it wasn't my plan.

08:40AM 25 Q Your participation, right?



08:40AM 1 A I'm participating in it.

08:40AM 2 Q Your perfection of the robbery, right?

08:40AM 3 A Am I a perfection of the robbery?

08:40AM 4 Q Yes.

08:40AM 5 A I wasn't a perfection of the robbery.

08:40AM 6 Q You had an AR-15 that you stuck in a man's face --

08:40AM 7 A I had a gun, yes --

08:40AM 8 THE COURT REPORTER: Wait. You're talking over each  
08:40AM 9 other now.

08:40AM 10 BY MR. KENNEDY:

08:40AM 11 Q You had an AR-15 that you stuck in the man's face, right?

08:40AM 12 A Yes.

08:40AM 13 Q And you saw how he looked after his face, correct?

08:40AM 14 A Did I see how he looked after his face was --

08:41AM 15 Q Yeah, because he was all beat up, right?

08:41AM 16 A I was downstairs.

08:41AM 17 Q Oh, you were downstairs; you weren't the person that stuck  
08:41AM 18 the AR-15 --

08:41AM 19 (Overlapping of voices.)

08:41AM 20 THE COURT REPORTER: You're talking over each other.  
08:41AM 21 You are losing me.

08:41AM 22 BY MR. KENNEDY:

08:41AM 23 Q I understand. I apologize.

08:41AM 24 You weren't the person that hit him with the AR-15?

08:41AM 25 A No, I wasn't the person that hit him with the AR.

08:41AM 1 Q All right. You stole that and produced money for

08:41AM 2 yourself, right?

08:41AM 3 A Yes.

08:41AM 4 Q Game room robberies.

08:41AM 5 You talked about three of them, right?

08:41AM 6 A We talked about a few of them.

08:41AM 7 Q All right. The first one, you did with Timmy Zapata,

08:41AM 8 right? I'm sorry, Timmy Taboada?

08:41AM 9 A Yes.

08:41AM 10 Q My mistake, sir.

08:41AM 11 A Yes.

08:41AM 12 Q Also with Lance Bermudez, right?

08:41AM 13 A Yes.

08:41AM 14 Q Once again with the AR-15?

08:41AM 15 A With an AR-15, yes.

08:41AM 16 Q Timmy Taboada went in there and was communicating with

08:41AM 17 you, right?

08:41AM 18 A Yes.

08:41AM 19 Q So this is a little different.

08:41AM 20 It's a game room, right?

08:42AM 21 A Yes.

08:42AM 22 Q They have a fair amount of money in there, right?

08:42AM 23 A There's supposed to be.

08:42AM 24 Q This was Mr. White's game room where he had quite a few of

08:42AM 25 them, right?

08:42AM 1 A Yes.

08:42AM 2 Q And so you were successful in stealing money for yourself,  
08:42AM 3 right?

08:42AM 4 A Yes.

08:42AM 5 Q And that was the plan that you came up with Lance Bermudez  
08:42AM 6 and Timmy Taboada, correct?

08:42AM 7 A Yes.

08:42AM 8 Q Once again, stealing for yourself, right?

08:42AM 9 A Yes.

08:42AM 10 Q Now, you talk about protection. The protection that you  
08:42AM 11 had was the firearms that you used in these robberies, isn't  
08:42AM 12 it?

08:42AM 13 A At the time.

08:42AM 14 Q And you always had a firearm on you, didn't you?

08:42AM 15 A Most of the time.

08:42AM 16 Q Even when you went to the restaurant on August 14th, you  
08:42AM 17 took your backpack with that Glock into the restaurant just to  
08:42AM 18 have lunch with the woman that you were with, correct?

08:42AM 19 A Yes.

08:42AM 20 Q That was your protection, correct?

08:43AM 21 A That's my protection at the time.

08:43AM 22 Q All right. Now, with respect to the game room robbery, at  
08:43AM 23 no point has the government showed anything about that game  
08:43AM 24 room communicating with Mike Miske after it was done, right?

08:43AM 25 A We didn't communicate with Mike.

08:43AM 1 Q No, because he had nothing to do with it. The second game  
08:43AM 2 robbery was the one with, I believe, Jarrin Young, right?  
08:43AM 3 A Yes.  
08:43AM 4 Q Once again, firearms, right?  
08:43AM 5 A We had a gun.  
08:43AM 6 Q Stealing money, right?  
08:43AM 7 A Yes.  
08:43AM 8 Q Keeping it for yourself, correct?  
08:43AM 9 A Yes.  
08:43AM 10 Q That's how you were earning your money, right?  
08:43AM 11 A Some of it.  
08:43AM 12 Q Stealing money, right?  
08:43AM 13 A Some of it.  
08:43AM 14 Q Stealing chains, right?  
08:43AM 15 A Sometimes.  
08:43AM 16 Q Selling chains, correct?  
08:43AM 17 A Sometimes.  
08:43AM 18 Q Stealing drugs, right?  
08:43AM 19 A Sometimes.  
08:43AM 20 Q Selling the drugs that you stole, right?  
08:43AM 21 A Sometimes.  
08:43AM 22 Q When you were flushed with cash buying drugs, right?  
08:44AM 23 A Sometimes.  
08:44AM 24 Q Turning those drugs into more money, right?  
08:44AM 25 A Sometimes.

08:44AM 1 Q And all that money was yours?

08:44AM 2 A I owed people money, too.

08:44AM 3 Q And you paid people with that money, right?

08:44AM 4 A Yes.

08:44AM 5 Q All right. Now, third game robbery was the one that

08:44AM 6 Dayson Kaae participated in, correct?

08:44AM 7 A I don't know if it happened before or after.

08:44AM 8 Q We will just say that one.

08:44AM 9 He participated in one, right?

08:44AM 10 A Yes, he did.

08:44AM 11 Q And at the time, you had fronted him drugs, right?

08:44AM 12 A Yes.

08:44AM 13 Q And he hadn't paid you, right?

08:44AM 14 A Yes.

08:44AM 15 Q And so his -- you made a decision that he should go in

08:44AM 16 there to steal money to pay you, correct?

08:44AM 17 A I told him that he needed to find a way to pay me.

08:44AM 18 Q You told him he needed to find a way to pay you, right?

08:44AM 19 A That's what I just said.

08:44AM 20 Q Because you were calling the shots with him in paying you,

08:45AM 21 right?

08:45AM 22 A He owed me money at the time.

08:45AM 23 Q Of course, when you were fronted drugs and you didn't want

08:45AM 24 to pay, you had the protection of your guns, right?

08:45AM 25 A I didn't need guns to not pay.

08:45AM 1 Q And you had the protection of your ability to fight,  
08:45AM 2 right?

08:45AM 3 A Didn't even know it was like that.

08:45AM 4 Q And you had the protection of your reputation as a  
08:45AM 5 fighter, correct?

08:45AM 6 A I didn't even know it was like that. Like, I was from the  
08:45AM 7 mainland.

08:45AM 8 Q And Dayson went in there and the security -- the security  
08:45AM 9 beat him up, right?

08:45AM 10 A I wasn't in there but I'm guessing by the picture.

08:45AM 11 Q You knew he was arrested and you saw what -- the picture,  
08:45AM 12 right?

08:45AM 13 A I saw the picture, no, that's what I just said.

08:45AM 14 Q And so he was arrested and then released, right?

08:45AM 15 A Yes.

08:45AM 16 Q All right. All the other robberies that you talked about  
08:45AM 17 involved firearms; you obtaining drugs, cash, chains for money  
08:46AM 18 for you, right?

08:46AM 19 A Some of it.

08:46AM 20 Q Not one dime from those robberies went to Mike Miske?

08:46AM 21 A They didn't need to go to Mike. Mike is well off.

08:46AM 22 Q Exactly.

08:46AM 23 A Exactly.

08:46AM 24 Q And so Lovelyn Duarte knew you were robbing, right?

08:46AM 25 A She knew we did stuff but she wasn't involved in it.

08:46AM 1 Q She knew about it, right?

08:46AM 2 A Not really.

08:46AM 3 Q She wasn't involved in it, right?

08:46AM 4 A No.

08:46AM 5 Q But just knowing about it didn't make her guilty, did it?

08:46AM 6 A She didn't even really know about it. We'd be out and she  
08:46AM 7 thought I was doing other stuff.

08:46AM 8 Q Except when you would, by mistake, send a text to  
08:46AM 9 her which said --

08:46AM 10 A I wasn't --

08:46AM 11 Q I need to finish my question, first, sir. Except when you  
08:46AM 12 would send a text to her by mistake it's time to go, and that  
08:46AM 13 would be a mistake, right?

08:46AM 14 A It's time to go where?

08:46AM 15 Q Time to go to the robbery. It was clear.

08:46AM 16 You did that a time or two, correct?

08:46AM 17 A She doesn't know what we're doing. She don't know if  
08:47AM 18 we're robbing people or what we doing. She knows I was  
08:47AM 19 assaulting people.

08:47AM 20 Q She knows you also were robbing people when you are coming  
08:47AM 21 home with that kind of money, right?

08:47AM 22 A She doesn't really know what the thing is from. Some days  
08:47AM 23 she does, some days she doesn't.

08:47AM 24 Q She knew you didn't have a job, right?

08:47AM 25 A Sometimes I did have a job.

08:47AM 1 Q Sometimes you did, but not for that kind of money, right?

08:47AM 2 A Depends.

08:47AM 3 Q When you were walking around flush with \$30,000 in a  
08:47AM 4 backpack, you weren't getting that from a legal occupation,  
08:47AM 5 were you?

08:47AM 6 A No, I wasn't getting \$30,000 from a legal.

08:47AM 7 Q That was when you were thinking about getting a car  
08:47AM 8 because Johnnie Stancil was there at the auction calling you  
08:47AM 9 and saying, "hey, you want to buy this car?" Because he was  
08:47AM 10 buying cars at the auction.

08:47AM 11 You recall that?

08:47AM 12 A Kind of, not really.

08:47AM 13 Q All right. I asked you a question yesterday regarding  
08:48AM 14 whether you testified under oath that with respect to Wayne  
08:48AM 15 Miller, you said, "I'm guessing he is on the same side of the  
08:48AM 16 fence as me right now because he is telling me to sink Mike."

08:48AM 17 Those were your words, right?

08:48AM 18 A I think so.

08:48AM 19 Q Would you like to take a look at 7357-0175, which I  
08:48AM 20 believe, Your Honor, is in the first supplemental exhibit list.  
08:48AM 21 7357 dash -- and then inside it, page 175.

08:49AM 22 THE COURT: Okay. I have it.

08:49AM 23 BY MR. KENNEDY:

08:49AM 24 Q And sir, I'll direct your attention to lines 16, 17, and  
08:49AM 25 18. Just read that to yourself.



08:49AM 1 A Go ahead.

08:49AM 2 Q We can take that down. Those were your words under oath:

08:49AM 3 "I'm guessing he is on the same side of the fence as me right

08:49AM 4 now because he is telling me to sink Mike."

08:49AM 5 Those were your words, right?

08:49AM 6 A Yes.

08:49AM 7 Q All right. Your words were also: "Me and Mills weren't

08:49AM 8 really talking until we came back to jail -- until we went to

08:50AM 9 jail again."

08:50AM 10 Those were your words, right?

08:50AM 11 A If it's there.

08:50AM 12 Q Would you like to see 7357?

08:50AM 13 A That's up to you.

08:50AM 14 Q All right. Let's pull up 7357 page 175. Direct your

08:50AM 15 attention to lines eight, nine and ten. You can take that

08:50AM 16 down.

08:50AM 17 Those were your words: "Me and Mills weren't really

08:51AM 18 talking until we came back to jail -- until we met in jail

08:51AM 19 again," correct?

08:51AM 20 A Yes.

08:51AM 21 Q Those were your words under oath, right?

08:51AM 22 A Yes.

08:51AM 23 Q Now, I'm going to ask you some questions about Lance

08:51AM 24 Bermudez and Jason Yokoyama, okay.

08:51AM 25 You told the government that Jason Yokoyama had a

08:51AM 1 close relationship with Bermudez, correct?

08:51AM 2 A Yes.

08:51AM 3 Q You told him that Bermudez can call Yokoyama for money at  
08:51AM 4 any time and he would get it, correct?

08:51AM 5 A Yes.

08:51AM 6 Q You told him that around 2016, Bermudez called Yokoyama  
08:51AM 7 for money and he met you and Lance Bermudez at Frankie Silva's  
08:51AM 8 girlfriend's house, and Yokoyama gave Bermudez 3,500 to \$4,000?

08:52AM 9 A Yes.

08:52AM 10 Q You told the government that Jason Yokoyama would pay  
08:52AM 11 Bermudez to burn cars for him, correct?

08:52AM 12 A Yes.

08:52AM 13 Q You told the government that Bermudez had burned vehicles  
08:52AM 14 on previous occasions for Yokoyama, correct?

08:52AM 15 A Yes.

08:52AM 16 Q Now, I want to ask you some questions about Lance Bermudez  
08:52AM 17 and Mike Miske.

08:52AM 18 You told the government that Mike Miske did not like  
08:52AM 19 Lance Bermudez because he was a chronic user of drugs?

08:52AM 20 A Yes.

08:52AM 21 Q You told the government that Lance Bermudez was not  
08:52AM 22 allowed to come to Kama'aina Termite and Pest Control, correct?

08:52AM 23 A I said yeah, he didn't like him coming to the shop.

08:52AM 24 Q You told the government that Bermudez had shot and stabbed  
08:53AM 25 people in the past because he could not fight, right?

08:53AM 1 A Yes.

08:53AM 2 Q And you demonstrated the other day to the jury how he  
08:53AM 3 would throw a punch, right?

08:53AM 4 A Yes.

08:53AM 5 Q And you told the government on August 21, 2018, a week  
08:53AM 6 later during your second interview, that Bermudez never told  
08:53AM 7 you about any jobs he did for Mike Miske?

08:53AM 8 A Yes.

08:53AM 9 Q Only later did you tell them something different, correct?

08:53AM 10 A I don't know.

08:53AM 11 Q Now, Joe Boy Tavares is a big player in the chicken  
08:53AM 12 fighting scheme, correct?

08:53AM 13 A Yes.

08:53AM 14 Q And chicken fights involve a lot of betting, right?

08:53AM 15 A Yes.

08:53AM 16 Q On the outcome of battles, right?

08:54AM 17 A Yes.

08:54AM 18 Q Where folks are gambling, correct?

08:54AM 19 A Yes.

08:54AM 20 Q Sometimes thousands of dollars are riding on each fight,  
08:54AM 21 correct?

08:54AM 22 A Yes.

08:54AM 23 Q And you and Keoni Adric had been at those fights with  
08:54AM 24 firearms, right?

08:54AM 25 A What fights?

08:54AM 1 Q Chicken fights.

08:54AM 2 A No. Not all of them.

08:54AM 3 Q And you were looking for people to rob as we went through  
08:54AM 4 this morning, correct?

08:54AM 5 A Sometimes.

08:54AM 6 Q It sounded like you went over maybe ten or more robberies  
08:54AM 7 with this jury over the past four days that you participated  
08:54AM 8 in, right?

08:54AM 9 A Maybe.

08:54AM 10 Q All right. Now, you told the jury that -- something about  
08:54AM 11 a lawyer representing Joe Boy Tavares, and that was something  
08:55AM 12 connected to a job for Lance Bermudez for Mike Miske.

08:55AM 13 Do you recall that?

08:55AM 14 A Yes.

08:55AM 15 Q That lawyer was Tommy, you told the grand jury, right?

08:55AM 16 A That's what I was told.

08:55AM 17 Q Otake, right?

08:55AM 18 A Yes.

08:55AM 19 Q Are you aware that Tommy Otake has never represented Joe  
08:55AM 20 Boy Tavares?

08:55AM 21 A That's what I was told.

08:55AM 22 Q That's what you've told us.

08:55AM 23 Are you aware that he never represented him?

08:55AM 24 A I'm repeating what I was told.

08:55AM 25 Q And so Miller wanted to rob Joe Boy Tavares, correct?

08:55AM 1 A I don't know if Miller wanted to rob him.

08:55AM 2 Q Lance Bermudez wanted to rob Joe Boy Tavares, correct?

08:55AM 3 A I've never heard that they wanted to rob him.

08:55AM 4 Q Harry Kauhi wanted to rob Joe Boy Tavares, correct?

08:55AM 5 A I don't know.

08:55AM 6 Q Frankie Silva wanted to rob Joe Boy Tavares, correct?

08:56AM 7 A Nobody ever said they wanted to rob Joe Boy.

08:56AM 8 Q And you wanted to rob Joe Boy Tavares?

08:56AM 9 A -- answering the question --

08:56AM 10 THE COURT REPORTER: Sorry. He is speaking over the

08:56AM 11 question.

08:56AM 12 THE COURT: The witness said, "I keep answering your

08:56AM 13 question."

08:56AM 14 BY MR. KENNEDY:

08:56AM 15 Q And so the chicken fight scene is also something like drug

08:56AM 16 deal dealing that would not be reported often if there is a

08:56AM 17 robbery, correct?

08:56AM 18 A I don't know.

08:56AM 19 Q "I had a hundred thousand on me that I did in an illegal

08:56AM 20 gaming operation and it was stolen from me," not the sort of

08:56AM 21 thing that gets reported, just like stealing drug money, right?

08:56AM 22 A I don't know. It does get reported sometimes.

08:56AM 23 Q Now, we looked at the WhatsApp conversations yesterday,

08:57AM 24 correct?

08:57AM 25 A Yes.

08:57AM 1 Q And you told the government as early as October 3, 2018  
08:57AM 2 that you didn't act on any of those requests regarding anything  
08:57AM 3 that was discussed in the WhatsApp, correct?  
08:57AM 4 A Some of them we might have saw when we did it.  
08:57AM 5 Q In fact, you said -- your words were you did not act on  
08:57AM 6 any of Miske's requests to assault the males discussed in the  
08:57AM 7 WhatsApp conversations.  
08:57AM 8 Those were your words, right?  
08:57AM 9 A I think so.  
08:57AM 10 Q You didn't receive any payments from Mike Miske up front,  
08:57AM 11 right?  
08:57AM 12 A Nothing up front.  
08:57AM 13 Q And the first time you talked to the government back on  
08:57AM 14 October 3rd of 2018, the story with Chris Bourne was that Mike  
08:58AM 15 wanted to assault Chris Bourne.  
08:58AM 16 That's what you told the government in 2018, right?  
08:58AM 17 A He wanted us to do a lot to Chris Bourne.  
08:58AM 18 Q I'm asking you a question about you told the government --  
08:58AM 19 A I'm telling you he wanted us to do a lot to Chris Bourne.  
08:58AM 20 Q You told the government on October 3, 2018, in now your  
08:58AM 21 4th meeting with them, that Mike Miske wanted to assault Chris  
08:58AM 22 Bourne.  
08:58AM 23 That's what you told them, right?  
08:58AM 24 A I'm telling you there was a lot that he wanted to happen  
08:58AM 25 to Chris Bourne.

08:58AM 1 MR. KENNEDY: Let's take a look at Exhibit 9013-020,  
08:58AM 2 which is in the original exhibit list, Your Honor.

08:58AM 3 THE COURT: Okay, go ahead.

08:59AM 4 BY MR. KENNEDY:

08:59AM 5 Q If we move to -- we can take that down.

08:59AM 6 Have you had a chance to read that now, sir?

08:59AM 7 A Yes.

08:59AM 8 Q You told them on October 3, 2018 that it was an assault,  
08:59AM 9 right?

08:59AM 10 A That was the first thing I remember. It was an assault  
09:00AM 11 because that's what I do.

09:00AM 12 Q So only later did you add a robbery, correct?

09:00AM 13 A Maybe. I don't know.

09:00AM 14 Q And that you had done surveillance with Frankie Silva  
09:00AM 15 related to an assault that never happened, right?

09:00AM 16 A Yes.

09:00AM 17 Q All right. Now, Wayne Miller was the person who, when you  
09:00AM 18 got out of OCCC, got you that first car, right?

09:00AM 19 A Miller gave me a car, yeah.

09:00AM 20 Q And up until the time he had heart surgery, he was giving  
09:00AM 21 you money for hotels and food and other things, you told the  
09:00AM 22 federal government, correct?

09:00AM 23 A Yes.

09:00AM 24 Q And he purchased automobiles at Advantage Auto, correct?

09:00AM 25 A I don't know.

09:00AM 1 Q And you told the government that on October 3, 2018,  
09:00AM 2 right?

09:00AM 3 A I didn't say he purchased vehicles at Advantage Auto. I  
09:00AM 4 don't even know what Advantage Auto is.

09:01AM 5 Q If we can pull 9013-020, which is also in the original,  
09:01AM 6 and if we go to page nine, and if you could just read to  
09:01AM 7 yourself the last paragraph.

09:01AM 8 Have you done so, sir?

09:01AM 9 A Yes.

09:01AM 10 Q You told them on October 3, 2018, that Advantage Auto was  
09:01AM 11 the place that Miller used to purchase a lot of his vehicles,  
09:02AM 12 right?

09:02AM 13 A I never did say Advantage Auto. I didn't know what it was  
09:02AM 14 called.

09:02AM 15 Q You pointed it out while you were driving by the spot,  
09:02AM 16 correct?

09:02AM 17 A Yes.

09:02AM 18 Q And so they put in Advantage Auto, even though you didn't  
09:02AM 19 know the name, right?

09:02AM 20 A That's what it looks like.

09:02AM 21 Q And it was near the Four Wheels Auto, correct?

09:02AM 22 A I don't know.

09:02AM 23 Q Because that's what you were doing that day; you were  
09:02AM 24 taken out of FDC and you went over to a location.

09:02AM 25 You were driving back and you pointed out the place



09:02AM 1 where Miller purchased automobiles, right?

09:02AM 2 A I said Miller got some cars from over there.

09:02AM 3 Q All right. They are a competitor of Four Wheels, right?

09:02AM 4 A I don't know who is competitors.

09:02AM 5 Q All right. Now, you gave testimony that -- with respect

09:03AM 6 to an incident inside Mike's office; an owner of a nightclub

09:03AM 7 was assaulted, correct?

09:03AM 8 A Yes.

09:03AM 9 Q By you, right?

09:03AM 10 A Yes.

09:03AM 11 Q And you told the jury that you went up and you kicked him

09:03AM 12 in the face.

09:03AM 13 That's what you testified to, right?

09:03AM 14 A Yes.

09:03AM 15 Q You told the federal government on your second interview

09:03AM 16 that you slapped and punched the individual; not kicked him in

09:03AM 17 the face, right?

09:04AM 18 A I don't know what I told them. I slapped, punched him a

09:04AM 19 bunch of time after I kicked him.

09:04AM 20 Q And you did that on your own without any direction from

09:04AM 21 Mr. Miske, didn't you?

09:04AM 22 A No.

09:04AM 23 Q You just went up and did it, didn't you?

09:04AM 24 A Why would I be in Mike's office and hit somebody in the

09:04AM 25 office?

09:04AM 1 Q Because you hit people; that's what you do. And he told

09:04AM 2 you to stop?

09:04AM 3 A No, he told me when to stop.

09:04AM 4 Q He told you to stop right after you did it?

09:04AM 5 A No, he told me when to stop.

09:04AM 6 Q Now, you testified about another incident at Kama'aina

09:04AM 7 Termite and Pest Control, correct?

09:04AM 8 A Yes.

09:04AM 9 Q And you told the jury that you used a baton, correct?

09:04AM 10 A Yes.

09:04AM 11 Q On August 21st of 2018 in your second interview, you told

09:04AM 12 them that you punched and kicked the employee in the face as

09:04AM 13 punishment for the theft; nothing about a baton, correct?

09:05AM 14 A Probably. Like I said, we hit him a bunch of times.

09:05AM 15 Q So the story changed over time?

09:05AM 16 A No, the story is not changing. I'm just remembering

09:05AM 17 things as we are going.

09:05AM 18 Q You had a hard time remembering a kick, a punch, a slap?

09:05AM 19 You said you slapped him and punched him, right? That's what

09:05AM 20 you told the government on August 21st.

09:05AM 21 A I said we did that to the first guy, yeah.

09:05AM 22 Q And then it became a baton later, right?

09:05AM 23 A He got batoned after.

09:05AM 24 Q Oh, now it's both, correct?

09:05AM 25 A I'm telling you he got hit by everything. I just said

09:05AM 1 that.

09:05AM 2 Q Now it's both?

09:05AM 3 A I just said that.

09:05AM 4 Q Actually, it just never happened, did it?

09:05AM 5 A I don't know. It happened.

09:05AM 6 Q Now, over this time period, you've testified that in

09:05AM 7 January of 2016 with Kawika Dahlin, you received \$2,000,

09:06AM 8 correct?

09:06AM 9 A That's what it says.

09:06AM 10 Q And you shared some of that with Johnnie Stancil; that's

09:06AM 11 your testimony, right?

09:06AM 12 A That's what it says.

09:06AM 13 Q With respect to the used car dealer, you testified that

09:06AM 14 you received \$1,500, correct?

09:06AM 15 A That's what it says.

09:06AM 16 Q All right. And then you talked about a third incident

09:06AM 17 involving Denver Freitas; do you recall that?

09:06AM 18 A Yes.

09:06AM 19 Q Okay. So Mike's nephew had someone rip and rob him of a

09:06AM 20 chain, right?

09:06AM 21 A That's what he told me.

09:06AM 22 Q And so you and Keoni Adric found the individual that did

09:06AM 23 it, correct?

09:06AM 24 A I was told where he lived by Mike. We went over there and

09:06AM 25 handled it.

09:06AM 1 Q And you testified that Keoni Adric got the chain back and  
09:06AM 2 punched him, and he was a boxer, correct?  
09:07AM 3 A I said Keoni Adric did it, yeah.  
09:07AM 4 Q And that, you said you got a thousand dollars for; that's  
09:07AM 5 your testimony?  
09:07AM 6 A Yes.  
09:07AM 7 Q All right. Was that in 2016 or 2017?  
09:07AM 8 A I don't know.  
09:07AM 9 Q In 2017, you testified about the individual who was the  
09:07AM 10 manager of the nightclub, correct?  
09:07AM 11 A I think so.  
09:07AM 12 Q And you said you got a thousand dollars, right?  
09:07AM 13 A I think so.  
09:07AM 14 Q And from February 2017 all the way until your arrest, you  
09:07AM 15 testified about receiving no more money from any other assault,  
09:07AM 16 correct?  
09:07AM 17 A There was assaults I wasn't getting paid for.  
09:07AM 18 Q So the sum total of what you received in 2016, '17 and  
09:07AM 19 '18, your testimony is \$5,500?  
09:07AM 20 A Are you asking me a question or are you telling me?  
09:08AM 21 Q I'm asking you a question.  
09:08AM 22 A I don't know. I never did the math.  
09:08AM 23 Q 2,000, right; 1,000 more, right? We are up to 3000,  
09:08AM 24 correct? Another thousand, 4,000; and then 1,500 would be  
09:08AM 25 5500, correct?

09:08AM 1 A That's what it sounds like.

09:08AM 2 Q All right. And you did a lot of math in terms of we got  
09:08AM 3 to see your phone. You had all those drug debts in your phone  
09:08AM 4 in dollar amounts.

09:08AM 5 You were keeping track of that, right?

09:08AM 6 A Sometimes.

09:08AM 7 Q When you were asked a question about whether Mike was  
09:09AM 8 taking care of you, what did you mean, you said, "I mean, he  
09:09AM 9 just liked being at Johnnie's and stuff. I mean, he's always  
09:09AM 10 made sure I could go over there and stuff. And just made me  
09:09AM 11 feel like I always had a place to go. So I mean, yeah, that  
09:09AM 12 was -- so, I mean, I used to be over there a lot."

09:09AM 13 That's how you described it, correct?

09:09AM 14 A In the beginning, yeah.

09:09AM 15 Q And then you were asked, "Was he somewhat of a father  
09:09AM 16 figure to you?" And you said, "I wouldn't say a father figure,  
09:09AM 17 but he was like an older brother," correct?

09:09AM 18 A Yes.

09:09AM 19 Q You were asked whether you were getting tight with Mike.

09:09AM 20 Do you recall that?

09:09AM 21 A Yes.

09:09AM 22 Q And you said, "I was always more tight with John, but Mike  
09:09AM 23 is like the older brother, so, I mean." And then you were  
09:09AM 24 asked how long had you known him. "Not that long. I was only  
09:09AM 25 cruising with Johnnie, really. I was only cruising with

09:10AM 1 Johnnie. Like, he would go see bro and stuff, Mike -- we would  
09:10AM 2 talk to him and stuff but it wasn't like, yeah, like, fuck, I  
09:10AM 3 don't know."

09:10AM 4 That's what you said, right?

09:10AM 5 A I don't cruise with Mike every day. I cruised more with  
09:10AM 6 Johnnie.

09:10AM 7 Q You were with Johnnie.

09:10AM 8 That's what you were doing, because Mike was working,  
09:10AM 9 right?

09:10AM 10 A We was at the shop. Mike's working, but we are chilling  
09:10AM 11 with Mike too sometimes.

09:10AM 12 Q Now, you were asked in August 14th of 2018 whether  
09:10AM 13 anything had come out of Mike's mouth with respect to Fraser.

09:10AM 14 Do you recall that?

09:10AM 15 A Briefly.

09:10AM 16 Q And you said has Mike said -- you were asked, "Has Mike  
09:10AM 17 said anything to you?" And you said, "Mike doesn't say  
09:10AM 18 anything about it."

09:10AM 19 That's what you told them?

09:10AM 20 A Mike didn't talk to me too much about it. There was only  
09:11AM 21 a few times we even talked about it.

09:11AM 22 Q Your answer on August 14th of 2018 was, "Mike doesn't say  
09:11AM 23 anything about it," correct?

09:11AM 24 A That's what you are saying, yeah.

09:11AM 25 Q And then what you said is, "If you'll just let me out, if

09:11AM 1 I can just go back out there, maybe I can gain some  
09:11AM 2 information."

09:11AM 3 That's what you said, right?

09:11AM 4 A Yes.

09:11AM 5 Q Because you didn't have any. But yet, you told the jury  
09:11AM 6 about some comment saying that Mike told you that he was gone.  
09:11AM 7 But you didn't tell them that at all, because when you were  
09:11AM 8 first asked about it, what you said was, "Mike doesn't say  
09:11AM 9 anything about it," correct?

09:11AM 10 MR. NAMMAR: Objection; argumentative. Asked and  
09:11AM 11 answered.

09:11AM 12 THE COURT: The objection is sustained.

09:11AM 13 BY MR. KENNEDY:

09:11AM 14 Q And you wouldn't have to be released to go gain  
09:12AM 15 information if you had it at that time, would you?

09:12AM 16 A I didn't know exactly what happened to him.

09:12AM 17 Q And the reason is, as you know, you too had been falsely  
09:12AM 18 accused, haven't you?

09:12AM 19 A I have been falsely accused.

09:12AM 20 Q And we will get to that. Yesterday I asked you about  
09:12AM 21 whether La Familia had a presence on the web.

09:12AM 22 Do you recall that?

09:12AM 23 A You asked if there was a La Familia website.

09:12AM 24 Q Yes, and you said no, right?

09:12AM 25 A There is no La Familia.com. There is no La Familia

09:12AM 1 website.

09:12AM 2 Q But there is a La Familia Facebook page, isn't there?

09:13AM 3 A There was a friend page, yeah.

09:13AM 4 Q Right. And so when -- I want to talk to you about the  
09:13AM 5 events around September of 2016, okay.

09:13AM 6 In 2016, September, you had given some testimony that  
09:13AM 7 James Salas was one of the three robbers with you on the  
09:13AM 8 Brandon Ota robbery, correct?

09:13AM 9 A Yes.

09:13AM 10 Q And I take it that you were living in Kalihi at that time,  
09:13AM 11 correct?

09:13AM 12 A Yes.

09:13AM 13 Q I think it was at 3255, was the address?

09:13AM 14 A I think so.

09:13AM 15 Q And it had came to your attention that Turtle -- James  
09:13AM 16 Salas -- was stealing things from you, right?

09:13AM 17 A Yes.

09:13AM 18 Q Stealing a car, right?

09:14AM 19 A After, yeah.

09:14AM 20 Q Stealing things out of the house, right?

09:14AM 21 A Yes.

09:14AM 22 MR. KENNEDY: Okay, so if we could pull up 8013-036,  
09:14AM 23 Your Honor, which I believe is in the 34th supplemental. I can  
09:14AM 24 check.

09:14AM 25 THE COURT: It's not that one.



09:14AM 1 BY MR. KENNEDY:

09:14AM 2 Q Do you have it, sir?

09:14AM 3 THE COURT: It's not that one.

09:14AM 4 MR. KENNEDY: Oh, it's not that one? Oh, it's the  
09:14AM 5 first? Thank you. Oh, the 35th. I'm sorry. I apologize,  
09:14AM 6 Your Honor. I had to find it here.

09:14AM 7 THE COURT: All right. I have it now, thank you.

09:14AM 8 BY MR. KENNEDY:

09:14AM 9 Q My apologies. If we could pull it up just for the  
09:15AM 10 witness. 8013-036. I apologize.

09:15AM 11 THE COURT: That's what I had.

09:15AM 12 MR. KENNEDY: Looks like we are at 8013-016, Your  
09:15AM 13 Honor. That's why I repeated it. If we could go to the second  
09:15AM 14 page. The two page.

09:15AM 15 BY MR. KENNEDY:

09:15AM 16 Q Do you recognize the individuals shown in 8013-036, second  
09:15AM 17 page?

09:15AM 18 A Yes.

09:15AM 19 Q Who is the person on the left?

09:15AM 20 A That's me.

09:15AM 21 Q Who is the person on the right?

09:15AM 22 A David Pedro.

09:15AM 23 Q Is this an image from the La Familia Facebook page?

09:16AM 24 A Yes.

09:16AM 25 MR. KENNEDY: At this time, I would move to introduce

09:16AM 1 and move to admit 8013-036.

09:16AM 2 THE COURT: Any objection?

09:16AM 3 MR. NAMMAR: No objection.

09:16AM 4 THE COURT: That exhibit then is admitted without  
09:16AM 5 objection, 8013-36. You may publish.

09:16AM 6 (Exhibit 8013-036 was received in evidence.)

09:16AM 7 MR. KENNEDY: Can we publish, Your Honor?

09:16AM 8 THE COURT: Yes, you may.

09:16AM 9 BY MR. KENNEDY:

09:16AM 10 Q Now, you were asked some questions about La Familia,  
09:16AM 11 right?

09:16AM 12 A Yes.

09:16AM 13 Q You were asked some questions about USO, correct?

09:16AM 14 A Yes.

09:16AM 15 Q You were asked some questions about whether this was done  
09:16AM 16 for the benefit of them, correct?

09:16AM 17 A Yes.

09:16AM 18 Q Let me ask you some questions.

09:16AM 19 In 2016, La Familia has a Facebook page, right?

09:16AM 20 A Yes.

09:16AM 21 Q La Familia's Facebook page isn't being posted in prison,  
09:16AM 22 is it?

09:17AM 23 A No.

09:17AM 24 Q All right. And so in 8013-036, we see you making a hand  
09:17AM 25 sign, right?

09:17AM 1 A Yes.

09:17AM 2 Q La Familia, right?

09:17AM 3 A No. We were both from the east.

09:17AM 4 Q Oh, this is the east side again, right?

09:17AM 5 A It looks like an E to me.

09:17AM 6 Q And you've got an assault rifle in your right hand holding

09:17AM 7 it down?

09:17AM 8 A Yes.

09:17AM 9 Q All right. And so Keali'i Young, we've talked about him.

09:17AM 10 He is a North Shore boy, correct?

09:17AM 11 A Yes.

09:17AM 12 Q We talked about you. You've been USO family, right?

09:17AM 13 A Not really, but yeah.

09:17AM 14 Q La Familia, right?

09:17AM 15 A I have been.

09:17AM 16 Q Jake -- excuse me, Salas, James Salas was La Familia,

09:17AM 17 correct?

09:17AM 18 A Yes.

09:17AM 19 Q Lance Bermudez, La Familia, right?

09:17AM 20 A I don't know what Lance is.

09:17AM 21 Q And Royalty, right?

09:17AM 22 A I don't know what Lance is.

09:17AM 23 Q All of these, everybody that I mentioned, they are just

09:18AM 24 gang members, right?

09:18AM 25 A We were in jail, not really. When we are outside, we are

09:18AM 1 just -- was regular.

09:18AM 2 Q When you are outside -- because clearly you are outside on  
09:18AM 3 this point -- you have an assault rifle in a picture on a La  
09:18AM 4 Familia Facebook page, right?

09:18AM 5 A Yes.

09:18AM 6 MR. KENNEDY: Now, if we could pull up 8013-037, which  
09:18AM 7 is not in evidence.

09:18AM 8 THE COURT: Go ahead.

09:18AM 9 MR. KENNEDY: And it's also, I believe, in the 35th.  
09:18AM 10 Let me make certain Your Honor before I -- yes.

09:18AM 11 THE COURT: Okay. Go ahead.

09:18AM 12 BY MR. KENNEDY:

09:18AM 13 Q Who is the person on the left of 803 --

09:18AM 14 A James.

09:18AM 15 Q -- 8013-037. I apologize, sir, I had to complete the  
09:18AM 16 question.

09:19AM 17 A James.

09:19AM 18 Q And who is the person on the right?

09:19AM 19 A That's me.

09:19AM 20 MR. KENNEDY: I'd move to introduce 8013-037.

09:19AM 21 THE COURT: Any objection?

09:19AM 22 MR. NAMMAR: No objection.

09:19AM 23 THE COURT: 8013-037 is admitted. You may publish.

09:19AM 24 (Exhibit 8013-037 was received in evidence.)

09:19AM 25 BY MR. KENNEDY:

09:19AM 1 Q So now that the jury can see it on the -- it looks like  
09:19AM 2 for them, let me see. The individual here, since the screens  
09:19AM 3 are shown different ways, that's James Salas, right?

09:19AM 4 A Yes.

09:19AM 5 Q And this is you here, right?

09:19AM 6 A Yes.

09:19AM 7 MR. KENNEDY: Okay. Now, if we could pull up 8013-038  
09:19AM 8 which is also in the 35th supp.

09:19AM 9 THE COURT: Go ahead if we could.

09:20AM 10 BY MR. KENNEDY:

09:20AM 11 Q If we could go to the second page and just do -- do you  
09:20AM 12 know the individual in the top portion of 8013-038?

09:20AM 13 A Yes.

09:20AM 14 Q And is the second message from you?

09:20AM 15 A Yes.

09:20AM 16 Q And is the third message in response to your message?

09:20AM 17 A No.

09:20AM 18 MR. KENNEDY: At this time, I'd move 8013-038 into  
09:20AM 19 evidence.

09:20AM 20 THE COURT: Any objection?

09:20AM 21 MR. NAMMAR: Hearsay, no foundation for the last  
09:20AM 22 message.

09:20AM 23 THE COURT: The objection is overruled. That exhibit  
09:20AM 24 is admitted, 8013-38. You may publish.

09:20AM 25 (Exhibit 8013-038 was received in evidence.)

09:21AM 1 BY MR. KENNEDY:

09:21AM 2 Q All right. So this is in September. And the person that  
09:21AM 3 you know is Shane, right?

09:21AM 4 A Yes.

09:21AM 5 Q He is saying, "Anybody see or knows the whereabouts of  
09:21AM 6 James Salas, contact me ASAP or Jacob Smith. Hold him if you  
09:21AM 7 can. I'll be there as soon as you call."

09:21AM 8 Do you see that?

09:21AM 9 A Yes.

09:21AM 10 Q And then you say, "You thanks, braddah, Shane, and Theo,  
09:21AM 11 love you guys," right?

09:21AM 12 A Yes.

09:21AM 13 Q So at this point, your La Familia guys and yourself are  
09:21AM 14 looking for James Turtle Salas, correct?

09:21AM 15 A We are not looking for him as a gang thing. James is  
09:21AM 16 still part of La Familia. Some of these guys trained with me.

09:21AM 17 Q You are looking for James Salas, right?

09:21AM 18 A I just said these guys are helping me find him. Some of  
09:21AM 19 them have trained with me. It's not a gang thing.

09:21AM 20 Q And then the person down below -- and this is on the La  
09:21AM 21 Familia Facebook page, right?

09:22AM 22 A It looks like it.

09:22AM 23 Q And then down below, "Aloha, my braddahs," and then -- of  
09:22AM 24 La Familia, "love you, my family," right?

09:22AM 25 A That's what it says.

09:22AM 1 Q Okay. So this is -- if we go back to the first page. We  
09:22AM 2 have September 13th and September 14th. Now let's move to  
09:22AM 3 8013-039.

09:22AM 4 And if we move to the second page, do you recognize  
09:22AM 5 your message on October 2nd at 9:25 on the La Familia Facebook  
09:22AM 6 page?

09:22AM 7 A Yes.

09:22AM 8 Q Do you recognize the second message that you sent?

09:22AM 9 A Yes.

09:22AM 10 Q All right.

09:22AM 11 MR. KENNEDY: At this time I would move 8013-039 into  
09:23AM 12 evidence.

09:23AM 13 THE COURT: Any objection, Counsel?

09:23AM 14 MR. NAMMAR: No objection.

09:23AM 15 THE COURT: 8013-039 is admitted. You may publish.

09:23AM 16 (Exhibit 8013-039 was received in evidence.)

09:23AM 17 BY MR. KENNEDY:

09:23AM 18 Q All right. So at this point on October 2nd, you're still  
09:23AM 19 trying to locate Mr. Salas, right?

09:23AM 20 A Yes.

09:23AM 21 Q And we talked about the fact that he had stolen rims, TVs,  
09:23AM 22 a lot; there was a car, right?

09:23AM 23 A Yes.

09:23AM 24 Q And even some of your kid's toys are missing?

09:23AM 25 A Yes.

09:23AM 1 Q And you are indicating that he had -- that he was on the  
09:23AM 2 run, right?

09:23AM 3 A I am indicating I was on the run that year.

09:23AM 4 Q You were on the run at that point?

09:23AM 5 A Yes, I was.

09:23AM 6 Q And you were on the run due to the robberies that we had  
09:24AM 7 talked about?

09:24AM 8 A I was on the run due to missing a urine test.

09:24AM 9 Q You were on the run because you missed a urine test  
09:24AM 10 because you would have not given a clean sample?

09:24AM 11 A No, because my kid's mom was giving birth, and I made the  
09:24AM 12 choice to make sure I got her to the hospital instead.

09:24AM 13 Q And you didn't think that a child being born would be a  
09:24AM 14 good reason to tell someone that it's something you had to be  
09:24AM 15 at rather than a drug test?

09:24AM 16 A I told them that.

09:24AM 17 Q But then you were on the run for that?

09:24AM 18 A Yeah. I'm not going to turn myself in if she is giving  
09:24AM 19 birth.

09:24AM 20 Q Of course not.

09:24AM 21 A Of course.

09:24AM 22 Q All right. But you didn't tell them that?

09:24AM 23 A I did tell them that.

09:24AM 24 Q And you were still on the run from it?

09:24AM 25 A I was still on the run. The law is the law, I guess.



09:24AM 1 MR. KENNEDY: All right. Now, if we go to 8012-026,  
09:24AM 2 which is also in the 35th.  
09:25AM 3 THE COURT: Go ahead.  
09:25AM 4 BY MR. KENNEDY:  
09:25AM 5 Q Do you recognize the 5896 number? Would it help to blow  
09:25AM 6 that up, sir?  
09:25AM 7 A I see a 5895 number.  
09:25AM 8 Q 5895. My apologies. It helps when it's blown up for me.  
09:25AM 9 Do you recognize the 5895 number?  
09:25AM 10 A Yes.  
09:25AM 11 Q That's your phone number, right?  
09:25AM 12 A That's my other half's number.  
09:25AM 13 Q And if we go back to a full view. And if we just flip  
09:26AM 14 through. And if we go back to the first page.  
09:26AM 15 Do you recognize these are messages that you are  
09:26AM 16 sending on November 20th and November 21st of 2016?  
09:26AM 17 A Yes.  
09:26AM 18 Q Sending and receiving?  
09:26AM 19 A Yes.  
09:26AM 20 MR. KENNEDY: At this time, I would offer 8012-026  
09:26AM 21 into evidence.  
09:26AM 22 MR. NAMMAR: Hearsay, relevance.  
09:26AM 23 THE COURT: I'm not sure -- certain what's going on  
09:26AM 24 here. He said this is his girlfriend's phone?  
09:26AM 25 MR. KENNEDY: No. It's his phone. It's an outgoing

09:26AM 1 message to -- from 5896.

09:27AM 2 THE COURT: Could you establish that?

09:27AM 3 BY MR. KENNEDY:

09:27AM 4 Q Sir, the (808) 304-5895 if -- it's so small, that's an  
09:27AM 5 outgoing message to Hunny My, right?

09:27AM 6 A I don't know.

09:27AM 7 Q That's your phone calling Lovelyn Duarte, correct?

09:27AM 8 A I'm not calling her. I'm messaging.

09:27AM 9 Q Excuse me, texting her. You're absolutely right. Do you  
09:27AM 10 see -- well let's go down the document, then.

09:27AM 11 Do you recognize the number for Timmy?

09:27AM 12 A Yes.

09:27AM 13 Q That's Timmy Taboada, correct?

09:27AM 14 A Yes.

09:27AM 15 Q And that's an outgoing message from you to Timmy Taboada,  
09:28AM 16 correct?

09:28AM 17 A Yes.

09:28AM 18 Q If we move down, number ten, that's an outgoing message  
09:28AM 19 from you to Norm uncle, correct?

09:28AM 20 A Yes.

09:28AM 21 Q That's Norm Akau, correct?

09:28AM 22 A I think so.

09:28AM 23 Q If we move to the second page, 8799, that was an outgoing  
09:28AM 24 messages to Lance Bermudez, correct?

09:28AM 25 A I think so. I don't know.

09:28AM 1 Q And these are the same -- this is the same numbers that we  
09:28AM 2 looked at in terms of when you saw the government exhibit  
09:28AM 3 yesterday or the day before, and where you say about James  
09:28AM 4 Salas, "I want him dead," correct?

09:28AM 5 A Yes.

09:28AM 6 Q Because that happened on, I believe, either the 22nd or  
09:28AM 7 the 23rd of November, and these are text messages from you on  
09:28AM 8 the 20th and the 21st, up to that point where you text "I want  
09:29AM 9 him dead," correct?

09:29AM 10 A Yes.

09:29AM 11 MR. KENNEDY: At this time, I would move 8012-026 into  
09:29AM 12 evidence.

09:29AM 13 THE COURT: Any objection?

09:29AM 14 MR. NAMMAR: Same objection.

09:29AM 15 THE COURT: The objection is overruled. 8012-026 is  
09:29AM 16 admitted. You may publish.

09:29AM 17 (Exhibit 8012-026 was received in evidence.)

09:29AM 18 BY MR. KENNEDY:

09:29AM 19 Q All right. If we can blow up the first top page so it's  
09:29AM 20 easier to read.

09:29AM 21 The first outgoing message is you need to call me  
09:29AM 22 ASAP, right?

09:29AM 23 A Yes.

09:29AM 24 Q The second message, 8799, is to Lance Bermudez, right?

09:29AM 25 A I think so. I'm not sure.

09:29AM 1 Q And it's, "Hey, I know you don't give a fuck because you  
09:29AM 2 such a G. But they just raided my Kalihi house. Figure I give  
09:29AM 3 you a heads-up. Thanks." Right?

09:30AM 4 A That's what it says.

09:30AM 5 Q And if we move through, then another message and the third  
09:30AM 6 one to Hunny My, "call me ASAP," right?

09:30AM 7 A Yes.

09:30AM 8 Q Another message to Lance Bermudez.

09:30AM 9 "And even though you are not talking to me, maybe let  
09:30AM 10 me know so at least we are on the same page if one of us gets  
09:30AM 11 picked up, if you've been there or haven't, 'cause the house is  
09:30AM 12 literally filled with cops. The fucking load inside and out,"  
09:30AM 13 right?

09:30AM 14 A Yes.

09:30AM 15 Q So that's your house in Kalihi, 3255, right?

09:30AM 16 A That is.

09:30AM 17 Q And you're not talking to Lance at that time because you  
09:30AM 18 told the jury the other day that Lance and Dae Han Moon were  
09:30AM 19 close, right?

09:30AM 20 A Yes.

09:30AM 21 Q And you had ripped off Dae Han Moon by selling him four  
09:30AM 22 ounces of bunk, right?

09:30AM 23 A No. That was only towards the end. This is a whole  
09:30AM 24 different incident.

09:31AM 25 Q So this was just another time that you and Lance were at

09:31AM 1 odds, right?

09:31AM 2 A Another time.

09:31AM 3 Q And so as we go down, you're asking Timmy three times to

09:31AM 4 call you, right?

09:31AM 5 A Yes.

09:31AM 6 Q Okay. You're back to Lovelyn Duarte and saying, "Okay,

09:31AM 7 well this is an emergency and again, you are not answering,"

09:31AM 8 right?

09:31AM 9 A Yes.

09:31AM 10 Q Then you're reaching out to Norm Akau, right?

09:31AM 11 A Yes.

09:31AM 12 Q Saying, "Bro, call me," right?

09:31AM 13 A Yes.

09:31AM 14 Q And you are on the run, right?

09:31AM 15 A Yes.

09:31AM 16 Q And your house is being raided and cops are all inside and

09:31AM 17 out, right?

09:31AM 18 A Yes.

09:31AM 19 Q And you are getting information about it, right?

09:31AM 20 A Somebody drove by my house and told me.

09:31AM 21 Q And there is, like, crime scene people inside, right?

09:31AM 22 A Yes.

09:31AM 23 Q And they're pulling stuff out of the house, like wall

09:31AM 24 boards and things, right?

09:32AM 25 A Yes.

09:32AM 1 Q And so you're getting this information in real time,

09:32AM 2 right?

09:32AM 3 A Somebody is just telling me that there is cops at the

09:32AM 4 house. I'm not getting all of that information.

09:32AM 5 Q Because they are all there doing this because they think

09:32AM 6 you are a killer, right?

09:32AM 7 A That's what we were told after.

09:32AM 8 Q All right. And so as we go down the page, we are talking

09:32AM 9 about the fact, "With Lance is not squatters, because none of

09:32AM 10 us have a note. They've been there with guns drawn. All I do

09:32AM 11 know, they might have kicked the door open," right?

09:32AM 12 A Yes.

09:32AM 13 Q All right. And if we move to the second page, 8799, the

09:32AM 14 jury now knows that's Lance Bermudez, right? Your outgoing and

09:32AM 15 incoming calls from him, right?

09:32AM 16 A Yes.

09:33AM 17 Q If we move down more outgoing and incoming, it looks like

09:33AM 18 from Hunny Me, Lovelyn Duarte, right?

09:33AM 19 A Yes.

09:33AM 20 Q And then Lance Bermudez in 30 is saying, "If they went to

09:33AM 21 the house, probably they get something on me," right?

09:33AM 22 A Yes.

09:33AM 23 Q And if we go down.

09:33AM 24 And those are all the people you are reaching out to,

09:33AM 25 right?

09:33AM 1 A That's the people I talk to every day.

09:33AM 2 Q There is not a single text message to Mike Miske, is  
09:33AM 3 there?

09:33AM 4 A Probably after, not on this page.

09:33AM 5 Q You are having an emergency. Your house is being raided.

09:33AM 6 They are taking things out of that. You think they are looking

09:33AM 7 at you for something that is a killing, and there is not a

09:33AM 8 single message to Mike Miske, is there?

09:33AM 9 A And he is not going to want -- he is not going to want us

09:34AM 10 around if we have that much heat on us.

09:34AM 11 Q The question I asked you, is there is a single text

09:34AM 12 message --

09:34AM 13 A I just told you he's not going to want us around if

09:34AM 14 there's that much heat on us.

09:34AM 15 Q So the answer is no, there's not a single text message,

09:34AM 16 correct?

09:34AM 17 A The answer is whatever you want to say.

09:34AM 18 MR. KENNEDY: The jury will have it. 8012-027, if we

09:34AM 19 just pull that up for the witness. It's not yet in evidence

09:34AM 20 and I believe it is also in the 35th supp, Your Honor.

09:34AM 21 THE COURT: Yes, I have it. Go ahead.

09:34AM 22 BY MR. KENNEDY:

09:34AM 23 Q If we move to -- I believe this is now the 22nd, correct,

09:34AM 24 of November, in terms of the first message, sir?

09:35AM 25 A Yes.

09:35AM 1 Q And if we move to the second page. If we move to the  
09:35AM 2 third page.  
09:35AM 3 This is more messages between yourself and Lance  
09:35AM 4 Bermudez, correct? And others?  
09:35AM 5 A Yes.  
09:35AM 6 MR. KENNEDY: At this time, I'd move 8012-027 into  
09:35AM 7 evidence.  
09:35AM 8 MR. NAMMAR: Hearsay, relevance.  
09:35AM 9 THE COURT: What was the objection? Relevance?  
09:35AM 10 MR. NAMMAR: Yes.  
09:35AM 11 THE COURT: The objection is overruled. 8012-027 is  
09:35AM 12 admitted. You may publish.  
09:35AM 13 (Exhibit 8012-027 was received in evidence.)  
09:35AM 14 BY MR. KENNEDY:  
09:35AM 15 Q All right. If we go to the first page, where now, we  
09:35AM 16 looked at text messages on the 20th and the 21st.  
09:35AM 17 We are now at the 22, correct?  
09:35AM 18 A Yes.  
09:36AM 19 Q And if we move down the page and just stop right there.  
09:36AM 20 If we go up just a little bit, I apologize. "Squirrel-cho,  
09:36AM 21 Johnnie," right?  
09:36AM 22 I think that was a nickname that you said for John  
09:36AM 23 Stancil, correct?  
09:36AM 24 A Yes.  
09:36AM 25 Q So "I need you to call me ASAP. You need to talk to" --



09:36AM 1 Keali'i is above that. And for Johnnie, your message is, "Bro,  
09:36AM 2 need you to call me ASAP. This is an emergency," correct?  
09:36AM 3 A Yes.  
09:36AM 4 Q All right. And in five, you say the same thing,  
09:36AM 5 "Emergency, bro, please call me," for Norm uncle, right?  
09:36AM 6 A Yes.  
09:36AM 7 Q And that's Norm Akau, right?  
09:36AM 8 A Yes.  
09:36AM 9 Q If we keep going down the page. At ten you are also  
09:37AM 10 texting Johnnie again, "Come on, bro, I need you right now,"  
09:37AM 11 right?  
09:37AM 12 A Yes.  
09:37AM 13 Q Okay. And then on 14, "Bro, fuck, please wake up. I need  
09:37AM 14 you fucking -- I need your fucking help," right?  
09:37AM 15 A Yes.  
09:37AM 16 Q All right. If we keep going. Let's keep going -- and  
09:37AM 17 finally, at the bottom of the page, you have on the 22nd, "Hey,  
09:37AM 18 Alen, I'm a friend of Mike and Johnnie's. Mike told me to call  
09:37AM 19 you. Can you call me back as soon as you can? Thank you,"  
09:37AM 20 right?  
09:37AM 21 A Yes.  
09:37AM 22 Q So at that time, all these people are in your house and  
09:37AM 23 you're trying to find a lawyer, right?  
09:37AM 24 A I'm just trying to figure out what's going on.  
09:38AM 25 Q Right. "Hey Alen, I'm a friend of Mike and Johnnie's,"

09:38AM 1 right? So this is the first time you're reaching out to Alen,

09:38AM 2 right?

09:38AM 3 A I'm not sure if it was the first time or not.

09:38AM 4 Q Well, if you had known him, you wouldn't say that you are

09:38AM 5 a friend of somebody else's right?

09:38AM 6 A It depends. I'm calling them on my own. If I was there

09:38AM 7 with Mike, then he doesn't need to know that. He knows I'm a

09:38AM 8 friend of Mike's.

09:38AM 9 Q Okay. So let's go on to the third page. And if we go

09:38AM 10 to -- Cakes (phonetic) is somebody that you are talking to,

09:38AM 11 right? K-I-K-S in 40?

09:38AM 12 A Yes.

09:38AM 13 Q All right. And you have an outgoing message to him that

09:38AM 14 says, "You talk to him yet?" Right? Correct?

09:39AM 15 A Yes.

09:39AM 16 Q And Cakes (phonetic) is the one who tells you, "all he

09:39AM 17 told me was robbery assault and parole violation," correct?

09:39AM 18 A Yes.

09:39AM 19 Q So this is Cakes, (phonetic) the person that you are

09:39AM 20 reaching out to, right?

09:39AM 21 A That's Kiks, yes.

09:39AM 22 Q Kiks? All right. And then as we go down, you have an

09:39AM 23 outgoing message to Kiks, "Can you ask to dig a little bit

09:39AM 24 please, bro," and let you know what robbery, what assault,

09:39AM 25 right?

09:39AM 1 A Yes.

09:39AM 2 Q Okay. And then you have an outgoing message to Lance

09:40AM 3 Bermudez, "James still in jail. You think he went fold about

09:40AM 4 that one?" Right?

09:40AM 5 A Yes.

09:40AM 6 Q And then incoming from Lance, "Fuck him or fuk (phonetic)

09:40AM 7 him," correct?

09:40AM 8 A Yes.

09:40AM 9 Q And then if we go to the next one, "Yup. Fuck him. I

09:40AM 10 like him dead."

09:40AM 11 That's from you?

09:40AM 12 A Yes.

09:40AM 13 Q Three months earlier, James, you, and Lance were involved

09:40AM 14 in the Brandon Ota robbery, correct?

09:40AM 15 A Yes.

09:40AM 16 Q The one with the mini AR-15, right?

09:40AM 17 A Yes.

09:41AM 18 MR. KENNEDY: And if we move to 8039-001. And I

09:41AM 19 believe that one is in; the first supp.

09:41AM 20 THE COURT: I have it.

09:41AM 21 MR. KENNEDY: Thank you, Your Honor. I needed a little

09:41AM 22 help with that.

09:41AM 23 BY MR. KENNEDY:

09:41AM 24 Q This is an exchange between yourself and James Salas in

09:41AM 25 messages, correct?

09:41AM 1 A Yes.

09:42AM 2 Q And if we flip to the second page. And if we flip to the  
09:42AM 3 third page. And if we flip to the -- I think the last page.

09:42AM 4 Do you recognize that as text messages between  
09:42AM 5 yourself and James Salas?

09:42AM 6 A I see my name and James's name at the top.

09:42AM 7 Q Do you recognize the photo at the end of Mr. Salas?

09:42AM 8 A Yes.

09:42AM 9 MR. KENNEDY: All right. I'd move to admit 8039-001.

09:43AM 10 THE COURT: Any objection?

09:43AM 11 MR. NAMMAR: Hearsay, relevance, improper impeachment,  
09:43AM 12 and no foundation.

09:43AM 13 THE COURT: Sustained.

09:43AM 14 BY MR. KENNEDY:

09:43AM 15 Q During this conversation with James Salas, did he show to  
09:43AM 16 you that he was going to have his La Familia tattoo on the back  
09:43AM 17 of his neck covered?

09:43AM 18 A I'm not sure. He just told me he wanted to be out  
09:43AM 19 already.

09:43AM 20 Q Let's just move to the last page of 8039-001 to refresh  
09:43AM 21 your recollection. We can take that down now.

09:43AM 22 Is it your memory that, due to this incident, he told  
09:43AM 23 you that he would cover up; no longer be part of La Familia,  
09:43AM 24 correct?

09:43AM 25 A He told me that the guys didn't want him to be La Familia.

09:43AM 1 Q All right. Now, you mentioned that in that text message,  
09:44AM 2 you said you want him dead, right?

09:44AM 3 A Yes.

09:44AM 4 Q You gave testimony that you didn't really mean it, right?

09:44AM 5 A No.

09:44AM 6 Q You've told the government later -- and as you know, James  
09:44AM 7 Salas was murdered at OCCC, correct?

09:44AM 8 A Yes.

09:44AM 9 Q You told the government that that was a gang hit, right?

09:44AM 10 A I told them that's what we heard was going on. They asked  
09:44AM 11 me what I thought happened and I told them.

09:44AM 12 Q You told the government that he had changed gangs too many  
09:44AM 13 times, right?

09:44AM 14 A Yes.

09:44AM 15 Q And that he was murdered because of that, right?

09:44AM 16 A Probably.

09:44AM 17 Q Now, you also have been the subject of false accusations,  
09:45AM 18 right?

09:45AM 19 A Yes.

09:45AM 20 Q So you know how it feels when you are accused of something  
09:45AM 21 and everybody thinks you did it, but you didn't; correct?

09:45AM 22 A Yes.

09:45AM 23 Q So you knew that both law enforcement and others were  
09:45AM 24 saying that you killed Jonathan Fraser, right?

09:45AM 25 A I know Lindsey Kinney spread the rumor.

09:45AM 1 Q And you also know because you read search warrant

09:45AM 2 affidavits that said the same thing, correct?

09:45AM 3 A I didn't read search warrant affidavits. Somebody told me

09:45AM 4 while I was in jail. That's why it happened.

09:45AM 5 Q In October 25, 2022, in what was then the 11th time you

09:46AM 6 were interviewed in this course of this case, you said that you

09:46AM 7 were concerned about the recent media attention you had been

09:46AM 8 receiving in regards to the case, right?

09:46AM 9 A I was concerned because there is constant lies being put

09:46AM 10 out.

09:46AM 11 Q And you were being accused of terrible actions and the

09:46AM 12 media was reporting that information as the truth, right?

09:46AM 13 A They were reporting it.

09:46AM 14 Q And so you were telling them you were being falsely

09:46AM 15 accused, right?

09:46AM 16 A I'm telling that some of the stuff that they were saying

09:46AM 17 was just crazy already.

09:46AM 18 Q And you were feeling what it feels like to have that,

09:47AM 19 right?

09:47AM 20 A It depends what I was being falsely accused of.

09:47AM 21 Q Murder.

09:47AM 22 A I didn't have anything to do with Fraser, so yeah.

09:47AM 23 Q Kidnapping?

09:47AM 24 A What?

09:47AM 25 Q Kidnapping.

09:47AM 1 A They didn't say anything about kidnapping.

09:47AM 2 Q Torture?

09:47AM 3 A Yeah. That was crazy.

09:47AM 4 Q And when people just say those things and they are not  
09:47AM 5 true, they hurt, don't they?

09:47AM 6 MR. NAMMAR: Objection; relevance.

09:47AM 7 THE COURT: Sustained.

09:47AM 8 BY MR. KENNEDY:

09:47AM 9 Q And in fact, during that time, you told Ashley Wong on the  
09:47AM 10 night that Jonathan Fraser went missing, you were in custody,  
09:47AM 11 right?

09:47AM 12 A Yes, that's what I believed.

09:47AM 13 Q And you weren't, correct?

09:47AM 14 A I don't know. You are going to get into specific dates  
09:47AM 15 with me. I told you, I don't know dates already. The  
09:47AM 16 prosecution read what happened. They seen that -- the first  
09:47AM 17 time I seen it, I was in jail.

09:48AM 18 So to my understanding, yes, I was incarcerated at the  
09:48AM 19 time.

09:48AM 20 Q So if the jury sees evidence of you using your phone on  
09:48AM 21 July 30th, July 31st, and later, you're trying to tell them  
09:48AM 22 that's not you?

09:48AM 23 A I just told you that the first time I was made aware of  
09:48AM 24 it, I was incarcerated. That's why I told her that. I'm not  
09:48AM 25 saying anything is not true. I'm saying I wasn't close enough

09:48AM 1 to Mike Miske to know when it happened; to know any dates.

09:48AM 2 Q I just asked you a question about --

09:48AM 3 A You keep bringing up specific dates. I don't know

09:48AM 4 specific dates.

09:48AM 5 Q All right. You do know your birthday is July 29th, right?

09:48AM 6 A I do.

09:48AM 7 Q You do know you went to -- you gave testimony about going

09:48AM 8 to the M, right?

09:48AM 9 A Yes.

09:48AM 10 Q We saw a picture of you all together, right?

09:48AM 11 A Yes.

09:48AM 12 Q You went on to a different nightclub, right?

09:48AM 13 A Yes.

09:48AM 14 Q You gave testimony that at the M, you got into a fight

09:48AM 15 outside with a bunch of guys, right?

09:48AM 16 A Yes, we did.

09:48AM 17 Q That was the evening of the 29th and the morning of the

09:49AM 18 30th, right?

09:49AM 19 A Yes.

09:49AM 20 Q You know that the nightclubs stay open late, right?

09:49AM 21 A Yes.

09:49AM 22 Q Almost to 4:00, right?

09:49AM 23 A Yes.

09:49AM 24 Q So then you went to a different nightclub, right?

09:49AM 25 A Yes.



09:49AM 1 Q It may have been Limelight?

09:49AM 2 A It was -- we weren't there. We were in the parking lot.

09:49AM 3 Q So you were in the parking lot and that's what you told

09:49AM 4 the jury, that Frankie Silva -- there was a big fight and he

09:49AM 5 stabbed somebody, right?

09:49AM 6 A Yes.

09:49AM 7 Q And then you were out on the 30th, right?

09:49AM 8 A I was out on the 30th.

09:49AM 9 Q Right. And that was the day that Jonathan Fraser went

09:49AM 10 missing?

09:49AM 11 A I wasn't involved in the thing. I'm not going to know the

09:49AM 12 date.

09:49AM 13 Q And so Ashley Wong is his -- Jonathan Fraser's girlfriend,

09:49AM 14 right?

09:49AM 15 A That's what I've --

09:49AM 16 Q And you made it a point to go up to her and tell her that

09:49AM 17 you were incarcerated on the 30th, on the day that he went

09:49AM 18 missing.

09:49AM 19 And that was a lie?

09:49AM 20 A I let her know that I had nothing to do with it.

09:49AM 21 THE COURT: Hold on, hold on, Mr. Smith. The question

09:50AM 22 was, "So Ashley Wong is Jonathan Fraser's girlfriend, right?"

09:50AM 23 And you started to provide your answer and did not complete it

09:50AM 24 before counsel asked the next question. So can you back up and

09:50AM 25 answer that question, and counsel may ask whatever he wishes

09:50AM 1 thereafter.

09:50AM 2 THE WITNESS: I heard that Ashley Wong was the  
09:50AM 3 girlfriend. I wasn't sure.

09:50AM 4 BY MR. KENNEDY:

09:50AM 5 Q And you went up to her and you told her that you were in  
09:50AM 6 custody on the day that Jonathan Fraser went missing on  
09:50AM 7 July 30th, and that was a lie?

09:50AM 8 MR. NAMMAR: Objection; this is asked and answered.

09:50AM 9 THE COURT: Sustained.

09:50AM 10 BY MR. KENNEDY:

09:50AM 11 Q On April 26th -- excuse me, on the May 3rd, 2023  
09:50AM 12 interview, you told the government that Mike Miske gave you  
09:50AM 13 money on a few occasions but you always paid him back, correct?

09:51AM 14 A I paid him back a few times, yeah.

09:51AM 15 Q And on that same May 3rd, 2023 interview, you said Mike  
09:51AM 16 Miske paid Kaneshiro's legal fees, but there was no agreement  
09:51AM 17 to include you.

09:51AM 18 That's what you told the federal authorities on  
09:51AM 19 May 3rd of 2023?

09:51AM 20 A There was multiple meetings. Alen was paid for in the  
09:51AM 21 beginning because he wasn't just representing me for nothing.

09:51AM 22 Q All you had, sir, was a probation violation, which we saw  
09:51AM 23 the text, correct?

09:51AM 24 A That's not all I had. I had stress because I was doing  
09:51AM 25 assaults and working too. So that would be the use for a

09:51AM 1 lawyer.

09:51AM 2 Q And then you got a DUI charge and you paid Alen yourself?

09:51AM 3 A That was towards the end, and I did pay Alen myself

09:51AM 4 because it didn't involve Mike.

09:52AM 5 Q And so what Mr. Miske told you, simply, was if you need a

09:52AM 6 lawyer, call Alen, right, because he was a friend of

09:52AM 7 Mr. Miske's?

09:52AM 8 A For what occasion?

09:52AM 9 Q And that's what he does for a living, right?

09:52AM 10 A I don't know. So what occasion, I just said. You're not

09:52AM 11 answering the question.

09:52AM 12 Q Okay. Now, you said that you told the government on

09:52AM 13 May 3rd of 2023 that nothing was planned on the day of the

09:52AM 14 Aloha Tattoo incident, correct?

09:52AM 15 A You being brief. Nothing was planned as in what? We went

09:52AM 16 there for a reason.

09:52AM 17 Q Your words were nothing was planned on the day of the

09:52AM 18 Aloha Tattoo?

09:52AM 19 A We also had multiple meetings, and I told them what we

09:53AM 20 were supposed to do at Aloha Tattoo.

09:53AM 21 Q Right. And so what you told the jury is that Tim Goodrich

09:53AM 22 assaulted Billy Whitney in front of his family, correct? You

09:53AM 23 told the jury that Tim Goodrich assaulted Billy Whitney in

09:53AM 24 front of his family.

09:53AM 25 That was the reason, right?

09:53AM 1 A I didn't say Billy Whitney, and I didn't say Tim Goodrich.  
09:53AM 2 I said that it was a friend of Mike's named Bill that got  
09:53AM 3 assaulted, and that's why we were sent there.  
09:53AM 4 Q You said that the owner of Aloha Tattoo assaulted the  
09:53AM 5 owner of 808 Tattoo in front of his family.  
09:53AM 6 That's what you told the jury, right?  
09:53AM 7 A That's what I was told.  
09:53AM 8 Q And so you're telling the jury that Tim Goodrich assaulted  
09:54AM 9 him?  
09:54AM 10 A I'm telling the jury that's what I was told.  
09:54AM 11 Q And so on that day, Dayson Kaae still owed you that money,  
09:54AM 12 right?  
09:54AM 13 A No.  
09:54AM 14 Q You sent him in, right?  
09:54AM 15 A No.  
09:54AM 16 Q You started out your testimony several days ago by talking  
09:54AM 17 about your plea agreement.  
09:54AM 18 Do you recall that?  
09:54AM 19 A Yes.  
09:54AM 20 Q And that you pled guilty to a conspiracy to trafficking  
09:54AM 21 drugs, right?  
09:54AM 22 A Yes.  
09:54AM 23 Q And the mandatory minimum for that is ten years, right?  
09:55AM 24 A Yes.  
09:55AM 25 Q And the maximum is life, correct?

09:55AM 1 A Yes.

09:55AM 2 Q And that you pled guilty to a new charge in 2020 that you  
09:55AM 3 faced for the first time; a RICO charge, correct?

09:55AM 4 A Yes.

09:55AM 5 Q And that that maximum is 20 years, correct?

09:55AM 6 A Yes.

09:55AM 7 Q Now, in the agreement is something called substantial  
09:55AM 8 assistance, right?

09:55AM 9 A I'm not sure.

09:55AM 10 Q Well, it's a fancy way of saying you know you have to come  
09:55AM 11 and testify, right?

09:55AM 12 A If you say. You are a lawyer.

09:55AM 13 Q Isn't that part of your agreement?

09:55AM 14 A Yes.

09:55AM 15 Q All right. Don't need to be a lawyer to know that, right?

09:55AM 16 A I don't know. I just told you I didn't know what it  
09:55AM 17 meant.

09:55AM 18 Q Okay. So you know that if -- the government will make the  
09:56AM 19 decision to ask for a sentence that involves whether you've  
09:56AM 20 given substantial assistance, right?

09:56AM 21 A Yes.

09:56AM 22 Q They can make that motion, right?

09:56AM 23 A Yes.

09:56AM 24 Q The agreement does not require them to make that motion,  
09:56AM 25 right?

09:56AM 1 A Yes.

09:56AM 2 Q No remedy exists for you if they fail to make that motion,  
09:56AM 3 right?

09:56AM 4 A Yes.

09:56AM 5 Q But if they do, that ten-year, four, goes away, right?

09:56AM 6 A Yes.

09:56AM 7 Q And you can ask for any sentence that you wish, right?

09:56AM 8 A I didn't know that.

09:56AM 9 Q And you can ask for time served.

09:56AM 10 You've been down for six years, right?

09:56AM 11 A Yes.

09:56AM 12 Q Now, in that decision -- you made that decision because

09:58AM 13 your lawyer presented the plea to you as your only hope to

09:58AM 14 avoid what could have been a sentence that you could have been

09:58AM 15 incarcerated for the most of the rest of your natural life,

09:58AM 16 right?

09:58AM 17 MR. NAMMAR: Objection.

09:58AM 18 THE COURT: Sustained.

09:58AM 19 BY MR. KENNEDY:

09:58AM 20 Q Those were your words, right?

09:58AM 21 MR. NAMMAR: Objection; beyond the scope.

09:58AM 22 THE COURT: Overruled. Go ahead.

09:58AM 23 BY MR. KENNEDY:

09:58AM 24 Q Those were your words. The defendant's attorney presented

09:58AM 25 this plea as the defendant's only hope to avoid what could have

09:58AM 1 been a sentence that could have incarcerated the defendant for  
09:58AM 2 most of the rest of his natural life.

09:58AM 3 Those were your words, correct?

09:58AM 4 MR. KENNEDY: If we could pull up 9013-004, which I  
09:58AM 5 believe is in the initial.

09:59AM 6 THE COURT: Go ahead.

09:59AM 7 BY MR. KENNEDY:

09:59AM 8 Q Directing your attention to the third paragraph. If you  
09:59AM 9 can just read the first three sentences to yourself. Let me  
09:59AM 10 know when you are finished.

09:59AM 11 A I'm done.

09:59AM 12 Q Are you done, sir?

09:59AM 13 A I'm done.

10:00AM 14 Q All right. We can take it down now. You wrote that your  
10:00AM 15 primary concern was to avoid a prison sentence that would take  
10:00AM 16 you away from your children for decades, right?

10:00AM 17 A My lawyer wrote that at the time.

10:00AM 18 Q And you presented it as an in-camera communication, right?

10:00AM 19 A Yes.

10:00AM 20 Q Signed by you, correct?

10:00AM 21 A Yes.

10:00AM 22 Q All right. And you presented that you entered this plea  
10:00AM 23 as your only hope to avoid what could have been a sentence that  
10:00AM 24 could have incarcerated you for the most of the rest of your  
10:00AM 25 natural life, right?

10:00AM 1 A Um --

10:00AM 2 Q Is that what you wrote?

10:00AM 3 A This in-camera thing was --

10:00AM 4 Q Sir, the question is --

10:00AM 5 A -- this in-camera thing was a jail house lawyer, and I  
10:00AM 6 didn't write that.

10:00AM 7 Q But you signed it, correct?

10:01AM 8 A I signed it at the bottom.

10:01AM 9 Q All right. And so you adopted it by your signature,  
10:01AM 10 right, and you mailed it, correct?

10:01AM 11 A I had him mail it. He mailed it for me.

10:01AM 12 Q And so you adopted that, if your words on your signature  
10:01AM 13 were that you were threatened with prosecution to the point of  
10:01AM 14 natural life behind bars, and you pled -- chose to plead to a  
10:01AM 15 conspiracy of a crime you neither committed nor was involved  
10:01AM 16 in, those were your words, correct?

10:01AM 17 A Those are the guy that wrote the letter's words. I didn't  
10:01AM 18 really read it. I trusted he knew what he was doing and he  
10:01AM 19 didn't.

10:01AM 20 Q And you had him send that in to the court, correct?

10:01AM 21 A I wasn't able to get a hold of my lawyer at the time he  
10:01AM 22 sent it in.

10:01AM 23 Q All right. And that's what you said, that you chose --

10:02AM 24 A No, that's not what I said. That's what he said.

10:02AM 25 Q -- to plea to the conspiracy of a crime that you neither



10:02AM 1 committed nor was involved in?

10:02AM 2 MR. NAMMAR: Objection; relevance, Your Honor, at this  
10:02AM 3 point.

10:02AM 4 THE COURT: The objection is sustained.

10:02AM 5 MR. KENNEDY: If we could pull up 9013-147 just for  
10:02AM 6 the witness. And I believe, Your Honor, that one is in the, I  
10:02AM 7 think it's either the -- the 35th, Your Honor.

10:02AM 8 THE COURT: Okay, go ahead.

10:02AM 9 BY MR. KENNEDY:

10:03AM 10 Q If we could go to the second page.

10:03AM 11 Do you recognize the -- what is shown on the second  
10:03AM 12 page of 9013-147?

10:03AM 13 A Yes.

10:03AM 14 Q What is it?

10:03AM 15 A A tattoo of a robber with a gun.

10:03AM 16 Q And does it have SG-100 with two slash marks underneath?

10:03AM 17 A It does.

10:03AM 18 Q And is that a tattoo that you received?

10:03AM 19 A That is a tattoo on my leg, yes.

10:03AM 20 Q And if we move back to the first page, it is attached to  
10:03AM 21 an outgoing message at number eight on 9013-147, correct?

10:03AM 22 A Yes.

10:03AM 23 Q Identified as I am G0010 dot PNG, correct?

10:03AM 24 A Yes.

10:03AM 25 MR. KENNEDY: At this time, I move 9013-147 into

10:04AM 1 evidence, Your Honor.

10:04AM 2 MR. NAMMAR: There is no foundation, Your Honor, at

10:04AM 3 this point, for the messages. I object.

10:04AM 4 THE COURT: Sustained.

10:04AM 5 BY MR. KENNEDY:

10:04AM 6 Q Sir, if we go to the second page. This is the tattoo that

10:04AM 7 you received, right?

10:04AM 8 A That's what I just said.

10:04AM 9 Q SG stands for shooter gang?

10:04AM 10 A That was what me and Hammah were running around saying for

10:04AM 11 a little bit.

10:04AM 12 Q Right. So SG stands for shooter gang, correct?

10:04AM 13 A It stood for it at the time, yeah.

10:04AM 14 Q All right. And this is what you got tattooed on your leg?

10:04AM 15 A That is the picture I got tattooed on my leg.

10:04AM 16 Q And that was an outgoing message that was sent off of 9856

10:04AM 17 on April 2nd of 2018, correct?

10:04AM 18 A Yes.

10:05AM 19 MR. KENNEDY: At this time, I'd move 9013-147 into

10:05AM 20 evidence, Your Honor.

10:05AM 21 THE COURT: Any objection, counsel?

10:05AM 22 MR. NAMMAR: Same objection. No objection to photo,

10:05AM 23 though, on page two.

10:05AM 24 THE COURT: Yeah, same ruling. Objection is

10:05AM 25 sustained.

10:05AM 1 MR. KENNEDY: I would move the second page that has  
10:05AM 2 been identified, since the government has said they have no  
10:05AM 3 objection to the second page. And we can mark that as  
10:05AM 4 9013-147A if that hasn't been used.

10:05AM 5 THE COURT: Mr. Nammar, is that acceptable to the  
10:05AM 6 government?

10:05AM 7 MR. NAMMAR: Yes, Your Honor.

10:05AM 8 THE COURT: All right. Proceeding that way, Counsel,  
10:05AM 9 is fine. 9013-147A, then there is none at the moment, will be  
10:05AM 10 occupied by this photograph on page two of what is now  
10:05AM 11 9013-147. It is admitted without objection. You may publish  
10:05AM 12 the photograph only.

10:05AM 13 (Exhibit 9013-147A was received in evidence.)

10:05AM 14 BY MR. KENNEDY:

10:05AM 15 Q So this is the tattoo for the -- you put on your leg  
10:06AM 16 regarding shooter gang, correct?

10:06AM 17 A No. It's not a tattoo I put on my leg regarding shooter  
10:06AM 18 gang. Shooter gang is just something Lance would say, just  
10:06AM 19 like anybody else says outside. They put gang behind it. It's  
10:06AM 20 not a gang.

10:06AM 21 Q And you have an SG-100, and the SG on this photograph  
10:06AM 22 stands for Shooter Gang, correct?

10:06AM 23 A Yes.

10:06AM 24 MR. KENNEDY: Pull up 9001-020 which is not yet in  
10:06AM 25 evidence. 9001-020. And do you have which supplement? The

10:07AM 1 32nd, Your Honor.

10:07AM 2 THE COURT: Okay, go ahead.

10:07AM 3 BY MR. KENNEDY:

10:07AM 4 Q Sir, do you recognize this as incoming and outgoing  
10:07AM 5 messages between you and Norm Akau?

10:07AM 6 A Yes.

10:07AM 7 Q And this is on 11/17/2016, correct?

10:07AM 8 A Yes.

10:07AM 9 MR. KENNEDY: At this time I move 9001-020 into  
10:07AM 10 evidence.

10:07AM 11 THE COURT: Any objection?

10:07AM 12 MR. NAMMAR: No objection.

10:07AM 13 THE COURT: That exhibit then is admitted without  
10:07AM 14 objection, 9001-020. You may publish.

10:07AM 15 (Exhibit 9001-020 was received in evidence.)

10:07AM 16 BY MR. KENNEDY:

10:07AM 17 Q Sir, the second message to Norm is, "I'm on my way. Let  
10:08AM 18 me know when you like cut Hammah's cord. We go look for um  
10:08AM 19 together. I just went beat his ass at a few days ago."

10:08AM 20 Do you see that?

10:08AM 21 A Yes.

10:08AM 22 Q That's referring to Lance Bermudez, correct?

10:08AM 23 A I think so, yes.

10:08AM 24 Q And you and Norm Akau are communicating here, right?

10:08AM 25 A Yes.

10:08AM 1 Q And about beating his ass, right?

10:08AM 2 A Yes.

10:08AM 3 MR. KENNEDY: If we could pull up 1-956-EE, which is  
10:08AM 4 in evidence. I think it was on the government's 13th  
10:08AM 5 supplemental, Your Honor.

10:08AM 6 THE COURT: Go ahead.

10:09AM 7 BY MR. KENNEDY:

10:09AM 8 Q We looked at this yesterday.

10:09AM 9 Do you recognize what is 1-956EE?

10:09AM 10 A Yes.

10:09AM 11 Q All right.

10:09AM 12 MR. KENNEDY: I'd like to show you what is not yet in  
10:09AM 13 evidence as 1-956R that was also, I believe, marked by the  
10:09AM 14 government as 13th supplemental, Your Honor.

10:09AM 15 THE COURT: Go ahead.

10:09AM 16 BY MR. KENNEDY:

10:09AM 17 Q All right. Do you recognize the folks in the photograph  
10:09AM 18 which is 1-956R?

10:09AM 19 A Yes.

10:09AM 20 Q All right. Who is this on the left?

10:09AM 21 A I'm not sure.

10:09AM 22 Q Okay. Who is this next to the person on the left that you  
10:09AM 23 are not sure about?

10:09AM 24 A Johnnie.

10:09AM 25 Q Who is this next to Johnnie, to his left?

10:09AM 1 A Me.

10:09AM 2 Q And who is this to your left?

10:09AM 3 A Frankie.

10:09AM 4 MR. KENNEDY: At this time, Your Honor, I'd move

10:09AM 5 1-956R into evidence.

10:10AM 6 THE COURT: Any objection?

10:10AM 7 MR. NAMMAR: No objection.

10:10AM 8 THE COURT: 1-956R is admitted. You may publish.

10:10AM 9 (Exhibit 1-956R was received in evidence.)

10:10AM 10 BY MR. KENNEDY:

10:10AM 11 Q This is Frankie Silva?

10:10AM 12 A Yes.

10:10AM 13 Q All right. And you can see his shorts, correct?

10:10AM 14 A Yes.

10:10AM 15 Q All right. If we go back to the photograph, which is

10:10AM 16 1-956EE, do you see the pattern down here, sir?

10:10AM 17 A I see it.

10:10AM 18 Q All right. If we could just do a split screen with

10:10AM 19 1-956EE and 1-956R, Frankie Silva and you were surveilling the

10:11AM 20 individual over in Hawaii Kai; Mr. Bourne, correct?

10:11AM 21 A We did.

10:11AM 22 Q What is shown is Frankie Silva and you, correct?

10:11AM 23 A On the right, yeah.

10:11AM 24 Q And what's shown in 1-956E, is, this is Frankie Silva,

10:11AM 25 correct?

10:11AM 1 A Those are cheap shorts from Champs that everybody bought  
10:11AM 2 at the time. I'm sure Johnnie had the same shorts too. So  
10:11AM 3 yeah, we all had those kind of shorts.

10:11AM 4 Q So that's Frankie Silva, correct?

10:11AM 5 A No, that's not Frankie Silva. That's me.

10:11AM 6 Q On your legs you have SG tattooed for Shooter Gang,  
10:11AM 7 correct?

10:11AM 8 A On my legs, I have a lot of tattoos on my legs. This  
10:11AM 9 picture right here with no tattoos on it is because I didn't  
10:11AM 10 have tattoos yet.

10:11AM 11 Q Correct. I'm just asking you a question about -- we can  
10:12AM 12 take that down.

10:12AM 13 A Yes.

10:12AM 14 Q You have a tattoo of S and G on your legs at this time?

10:12AM 15 A Yes.

10:12AM 16 Q Sir, you mentioned that you pled guilty so you wouldn't  
10:12AM 17 spend the rest -- or almost the rest of your natural life in  
10:12AM 18 prison, correct?

10:12AM 19 MR. NAMMAR: Objection.

10:12AM 20 THE COURT: Sustained.

10:12AM 21 BY MR. KENNEDY:

10:12AM 22 Q You don't want to spend one more day there if you don't,  
10:12AM 23 correct?

10:12AM 24 A Nobody does.

10:12AM 25 MR. KENNEDY: No further questions.

10:12AM 1 THE COURT: All right. Before we start your redirect,  
10:13AM 2 Mr. Nammar, I think we should take a break because we are at  
10:13AM 3 10:15 already. As we go to break, I'll remind our jurors to  
10:13AM 4 refrain, please, from discussing the substance of this case  
10:13AM 5 with anyone, including each other, until I advise otherwise; to  
10:13AM 6 refrain from accessing any media or other accounts of this case  
10:13AM 7 that may be out there; and finally, please do not conduct any  
10:13AM 8 investigation of your own into the facts, circumstances, or  
10:13AM 9 persons involved.

10:13AM 10 Before we go to break, I thought we might do this  
10:13AM 11 outside the jury's presence, but this is a housekeeping matter  
10:13AM 12 that -- in case the jury is taking notes, we might as well do  
10:13AM 13 this while you are still here. And that is with respect to an  
10:13AM 14 exhibit yesterday that we provisionally admitted. It was  
10:13AM 15 Defense Exhibit 6023, and if the jury recalls, there were ten  
10:13AM 16 pages from a very voluminous exhibit that were excerpted and  
10:13AM 17 admitted, and those were pages 55, 56, 58, 59, 60, 67, 81, 95,  
10:14AM 18 102 and 149.

10:14AM 19 Only those pages from what was Defense Exhibit 6023  
10:14AM 20 were admitted yesterday. Those ten photographs have since been  
10:14AM 21 marked as a new Exhibit 6023B as in boy and admitted under that  
10:14AM 22 marking. Okay, so that's been done. That should be reflected  
10:14AM 23 in the record. And in case any of the jurors were taking  
10:14AM 24 notes, I wanted you to know that as well.

10:14AM 25 All right. Let's take our break.



10:15AM 1 (Proceedings were recessed at 10:15 a.m. to  
10:16AM 2 10:43 a.m.)  
10:43AM 3 THE COURT: Okay. Back from our first break of the  
10:43AM 4 trial day.  
10:43AM 5 Mr. Nammar, you may begin your redirect.  
10:43AM 6 REDIRECT EXAMINATION  
10:43AM 7 BY MR. NAMMAR:  
10:43AM 8 Q Thank you. Mr. Smith, you were asked some questions about  
10:43AM 9 an assault related to Shaden Wolf.  
10:43AM 10 Do you recall that by defense counsel?  
10:43AM 11 A Yes, Mr. Nammar.  
10:43AM 12 Q And that's the one that, when you testified on direct, you  
10:44AM 13 said that you went with Keoni Adric?  
10:44AM 14 A Yes.  
10:44AM 15 Q The one you said had a reputation of a boxer?  
10:44AM 16 A Yes.  
10:44AM 17 Q And that Keoni was the one who did the assault, correct?  
10:44AM 18 A Yes.  
10:44AM 19 Q And that was the one that you said were ordered to do by  
10:44AM 20 Mr. Miske, right?  
10:44AM 21 A Yes.  
10:44AM 22 MR. NAMMAR: Your Honor, if we could publish 9-919,  
10:44AM 23 which is from the original list.  
10:44AM 24 THE COURT: Go ahead.  
10:44AM 25 By MR. NAMMAR:

10:44AM 1 Q Thank you. If we can zoom in on the first -- well, zoom  
10:44AM 2 in on the participants first.

10:44AM 3 Is this between and Mr. Miske?

10:44AM 4 A Yes.

10:44AM 5 Q You had him saved in your phone as M2?

10:44AM 6 A Yes.

10:44AM 7 Q Zoom out. Zoom in on the first message.

10:44AM 8 MR. KENNEDY: Your Honor, I don't know that this has  
10:44AM 9 been published.

10:44AM 10 THE COURT: It has been. It's an admitted exhibit.  
10:44AM 11 Go ahead.

10:44AM 12 By MR. NAMMAR:

10:45AM 13 Q Thank you. And if we look at the first -- well, if we  
10:45AM 14 look at the date, this is October 19th, 2016?

10:45AM 15 A Yes.

10:45AM 16 Q And this is you sending a message to Mr. Miske?

10:45AM 17 A Yes.

10:45AM 18 Q "Bro, this is J." Did you mean Jacob Smith when you said  
10:45AM 19 J?

10:45AM 20 A Yes.

10:45AM 21 Q "This is my new number. We just went and light up the boy  
10:45AM 22 that took Denver's chain right outside his house. Call me."

10:45AM 23 What are you talking about here?

10:45AM 24 A He told us that his nephew Denver got his chain taken, and  
10:45AM 25 he wanted us to go and handle the kid that pulled his chain.

10:45AM 1 Q This is for Shaden Wolf?

10:45AM 2 A Yes.

10:45AM 3 Q So you are confirming to him here that you've done it?

10:45AM 4 A Yes.

10:45AM 5 Q And this is the one with Keoni Adric?

10:45AM 6 A Yes.

10:45AM 7 Q And if we scroll down, Mr. Miske's response is, "Fly up to

10:45AM 8 Starbucks Ward."

10:45AM 9 Do you see that?

10:45AM 10 A Yes.

10:45AM 11 Q Did you end up going to meet him at Starbucks Ward with

10:46AM 12 Adric?

10:46AM 13 A Yes.

10:46AM 14 Q And is that where you got paid for this assault?

10:46AM 15 A Yes.

10:46AM 16 Q As I think you testified to on direct, that was a place

10:46AM 17 that you would commonly see Mr. Miske or hear that he was

10:46AM 18 there?

10:46AM 19 A Yes.

10:46AM 20 Q He would hang out there a lot?

10:46AM 21 A Yes.

10:46AM 22 Q We can take that down. You were also asked by Mr. Kennedy

10:46AM 23 today about -- you were shown some text messages about the

10:46AM 24 Kalihi house being raided?

10:46AM 25 A Yes.

10:46AM 1 Q Do you recall that?

10:46AM 2 A Yes.

10:46AM 3 Q And you were shown some messages where you were contacting  
10:46AM 4 people saying it was an emergency?

10:46AM 5 A Yes.

10:46AM 6 Q And you were asking for details from Tim Taboada.

10:47AM 7 Do you recall seeing those messages?

10:47AM 8 A Yes.

10:47AM 9 MR. NAMMAR: Your Honor, if we could publish now

10:47AM 10 1-936, which is from the original list.

10:47AM 11 THE COURT: Go ahead.

10:47AM 12 By MR. NAMMAR:

10:47AM 13 Q And do you recall those messages that he were looking at

10:47AM 14 about the Kalihi house were on November 21, 2016, many of them?

10:47AM 15 A Yes.

10:47AM 16 Q And so, if we look at the first message here, a day later,  
10:47AM 17 are you texting Alen Kaneshiro?

10:47AM 18 A Yes.

10:47AM 19 Q Is this in reference to the Kalihi house?

10:47AM 20 A Yes.

10:47AM 21 Q And at the beginning, you tell him you are a friend of  
10:47AM 22 Mike and Johnnie's.

10:47AM 23 Do you see that?

10:47AM 24 A Yes.

10:47AM 25 Q You told him, "Mike told me to call you."

10:47AM 1 A Yes.

10:47AM 2 Q Is that Michael Miske?

10:47AM 3 A Yes.

10:47AM 4 Q Do you think you had met with Michael Miske when you found  
10:47AM 5 out that the Kalihi house had been searched?

10:47AM 6 A Yes.

10:48AM 7 Q And do you believe that he told you to reach out to  
10:48AM 8 Mr. Alen Kaneshiro?

10:48AM 9 A Yes.

10:48AM 10 Q You're following Miske's direction here?

10:48AM 11 A Yes.

10:48AM 12 Q You were asked some questions about Lovelyn.

10:48AM 13 Did she ever encourage you to do any assaults?

10:48AM 14 A No.

10:48AM 15 Q Did Lovelyn ever provide you with an attorney?

10:48AM 16 A No.

10:48AM 17 Q Who provided you with an attorney?

10:48AM 18 A Mike.

10:48AM 19 Q And you told us that you would tell Mike Miske about the  
10:48AM 20 robberies that you were committing.

10:48AM 21 Did he approve of those robberies?

10:48AM 22 A Yes.

10:48AM 23 Q And were you telling Mr. Miske about those robberies to  
10:48AM 24 raise your status with Mr. Miske?

10:48AM 25 A Yes.

10:48AM 1 Q As I think you told us on direct, he liked hearing that  
10:48AM 2 you guys were doing plenty of robberies?  
10:48AM 3 A Yes.  
10:48AM 4 Q Who was giving you orders?  
10:49AM 5 A Mike was giving us orders to do assaults and other things.  
10:49AM 6 Q Mr. Miske was giving you orders?  
10:49AM 7 A Yes.  
10:49AM 8 Q You were shown yesterday pictures of a number of firearms.  
10:49AM 9 And as we talked about, too, on direct, you had a lot of  
10:49AM 10 firearms in 2016, '17, and '18?  
10:49AM 11 A Yes.  
10:49AM 12 Q Where did you get the majority of those firearms from?  
10:49AM 13 A I got a lot of them from Miller.  
10:49AM 14 Q Wayne Miller?  
10:49AM 15 A Yes.  
10:49AM 16 Q And did you on occasion speak to Mr. Miske about  
10:49AM 17 particular firearms that Mr. Miske wanted to purchase?  
10:49AM 18 A Yes.  
10:49AM 19 Q Which firearm did Mr. Miske want?  
10:49AM 20 A He wanted to buy --  
10:49AM 21 MR. KENNEDY: Objection; beyond the scope, Your Honor.  
10:49AM 22 THE COURT: Overruled. Go ahead.  
10:49AM 23 THE WITNESS: He wanted to buy that mini AK-47 they  
10:49AM 24 showed yesterday.  
10:49AM 25 By MR. NAMMAR:

10:49AM 1 Q On cross-examination, you were also asked some questions  
10:50AM 2 about Ryan Teramoto.

10:50AM 3 Miske asked you to assault him first; is that correct?

10:50AM 4 A Yes.

10:50AM 5 Q And on one occasion, you and Mr. Miller went out to the  
10:50AM 6 Olomana golf course?

10:50AM 7 A Yes.

10:50AM 8 Q But you didn't go through with it because you were scared?

10:50AM 9 A Yes.

10:50AM 10 Q Because there were a lot of people around?

10:50AM 11 A Yes.

10:50AM 12 Q And then as I understand what you testified to later,

10:50AM 13 Mr. Miske asked you to do a home invasion robbery of

10:50AM 14 Mr. Teramoto?

10:50AM 15 A Yes.

10:50AM 16 Q And you went with Mr. Miller to Teramoto's house?

10:50AM 17 A Yes.

10:50AM 18 Q But you didn't go through with it because Teramoto saw you  
10:50AM 19 and ran inside?

10:50AM 20 A Yes.

10:50AM 21 Q It was Miske that gave you the order to assault

10:50AM 22 Mr. Teramoto?

10:50AM 23 A Yes.

10:50AM 24 Q It was Miske that gave you the order to do the home  
10:50AM 25 invasion robbery of Mr. Teramoto?

10:50AM 1 A Yes.

10:50AM 2 Q And we also talked about on direct how Mr. Miske wanted  
10:50AM 3 you to assault him outside of Jiffy Lube, right?

10:50AM 4 A Yes.

10:50AM 5 Q The one in Kaneohe?

10:50AM 6 A Yes.

10:51AM 7 MR. NAMMAR: If we can pull up, Your Honor,  
10:51AM 8 Exhibit 1-953.

10:51AM 9 THE COURT: Go ahead.

10:51AM 10 By MR. NAMMAR:

10:51AM 11 Q Page 248. If we can zoom in on the last message.

10:51AM 12 So this is a message from you sent in February of 2018  
10:51AM 13 to Mr. Miske?

10:51AM 14 A Yes.

10:51AM 15 Q And you are telling him, "I see Certification right now"?

10:51AM 16 A Yes.

10:51AM 17 Q Who was Certification?

10:51AM 18 A That was Ryan Teramoto.

10:51AM 19 Q What did it refer to?

10:51AM 20 A The name of his business.

10:51AM 21 Q And if we go to the next page. You say "Certi Squirty."

10:51AM 22 Is that referring to Ryan?

10:51AM 23 A Yes.

10:51AM 24 Q Mr. Miske says "do it."

10:52AM 25 What is he talking about?



10:52AM 1 A He is telling us to get it done -- to assault him.

10:52AM 2 Q Keep going down. And then he is asking if you are with

10:52AM 3 WEAQ.

10:52AM 4 What did you take that to mean?

10:52AM 5 A He was asking where my friend Quinton is.

10:52AM 6 Q Keep going down. "With me, LOL. That's why I told you."

10:52AM 7 Are you talking about Quinton?

10:52AM 8 A Yes.

10:52AM 9 Q Keep going down. And Mr. Miske's response is, "yeah

10:52AM 10 doggy."

10:52AM 11 You see that?

10:52AM 12 A Yes.

10:52AM 13 Q Is he getting excited here?

10:52AM 14 A Yes.

10:52AM 15 Q And then he tells you "I like see"?

10:52AM 16 A Yes.

10:52AM 17 Q What did you take that to mean?

10:52AM 18 A To see if we can get it on camera.

10:52AM 19 Q Keep going down. Keep going down. And he says "wait

10:52AM 20 'em."

10:52AM 21 Do you see that?

10:52AM 22 A Yes.

10:52AM 23 Q "Discipline." Keep going down. "Wait 'em out."

10:53AM 24 Is he giving you instructions here?

10:53AM 25 A Yes.

10:53AM 1 Q And then later, if we go to page 255, you're confirming

10:53AM 2 that it is Jiffy Lube by saying "Jiffy"; is that right?

10:53AM 3 A Yes.

10:53AM 4 Q So this is you and Mr. Miske talking about assaulting Ryan

10:53AM 5 Teramoto in real time?

10:53AM 6 A Yes.

10:53AM 7 Q You guys are planning it out?

10:53AM 8 A Yes.

10:53AM 9 Q And he is giving you instruction?

10:53AM 10 A Yes.

10:53AM 11 Q Like he has given you instruction on many other assaults

10:53AM 12 you did?

10:53AM 13 A Yes.

10:53AM 14 Q Now, you were asked some questions about Alen Kaneshiro.

10:53AM 15 And as I understand your testimony, Mr. Miske paid for

10:53AM 16 Alen Kaneshiro for you?

10:53AM 17 A Yes.

10:53AM 18 Q You didn't see an exchange of cash, but you knew he paid

10:53AM 19 him?

10:53AM 20 A Yes.

10:53AM 21 Q And only later, when you got a DUI, did you have to pay

10:54AM 22 him yourself?

10:54AM 23 A Yes.

10:54AM 24 Q Miske also paid for Lance Bermudez's attorney?

10:54AM 25 A Yes.

10:54AM 1 Q And we looked at certain messages where Miske seems to  
10:54AM 2 know a lot about Lance Bermudez's case?

10:54AM 3 A Yes.

10:54AM 4 MR. NAMMAR: We can, for the same exhibit, Your  
10:54AM 5 Honor -- one second.

10:54AM 6 BY MR. NAMMAR:

10:55AM 7 Q Do you recall looking at a message on direct where  
10:55AM 8 Mr. Miske was talking about how Lance's attorney cracked the  
10:55AM 9 case open?

10:55AM 10 A Yes.

10:55AM 11 Q And how he got the witnesses lying.

10:55AM 12 Do you recall that?

10:55AM 13 A Yes.

10:55AM 14 Q Did it appear to you that Miske knew a lot about the  
10:55AM 15 status of Lance Bermudez's case?

10:55AM 16 A Yes.

10:55AM 17 Q If we can go to page 275.

10:55AM 18 THE COURT: This is in 1-953?

10:55AM 19 MR. NAMMAR: Yes, Your Honor.

10:56AM 20 THE COURT: Thank you.

10:56AM 21 By MR. NAMMAR:

10:56AM 22 Q If we go to page 280. Zoom in on the message. Keep going  
10:56AM 23 down. Mr. Miske is saying here, "Jason cracked the case open."

10:56AM 24 Do you see that?

10:56AM 25 A Yes.

10:56AM 1 Q Is that referring to the attorney that Mr. Miske hired for  
10:56AM 2 Lance?  
10:56AM 3 A Yes.  
10:56AM 4 Q Keep going down.  
10:56AM 5 Is he going on to say that he got the witnesses lying;  
10:56AM 6 do you see that?  
10:56AM 7 A Yes.  
10:56AM 8 Q And so did he appear to you, based on this, to know a lot  
10:56AM 9 about the status of Lance Bermudez's case?  
10:56AM 10 A Yes.  
10:56AM 11 Q And I believe you also said that Mr. Miske paid for Dae  
10:56AM 12 Han Moon's attorney?  
10:57AM 13 A Yes.  
10:57AM 14 MR. NAMMAR: And if we could publish 1-484, which is  
10:57AM 15 from the original list.  
10:57AM 16 THE COURT: Go ahead.  
10:57AM 17 BY MR. NAMMAR:  
10:57AM 18 Q And if we could go to page seven. And if we could zoom in  
10:57AM 19 on the last message. This is you -- we looked at this earlier  
10:57AM 20 this week, I think.  
10:57AM 21 And this is you discussing with Lance Bermudez when  
10:57AM 22 you guys were in a disagreement?  
10:57AM 23 A Yes.  
10:57AM 24 Q About the \$10,000?  
10:57AM 25 A Yes.

10:57AM 1 Q You're saying, "Dae can almost kiss his attorney bye, LOL,  
10:57AM 2 because Mike is going to hear everything."  
10:57AM 3 What are you referring to here?  
10:57AM 4 A About the lawyer Mike had for him. I let Mike know what  
10:57AM 5 happened between us.  
10:57AM 6 Q The lawyer that you understood Mr. Miske to have paid for,  
10:58AM 7 for Dae Han Moon?  
10:58AM 8 A Yes.  
10:58AM 9 Q Did paying for lawyers appear to be a way that Mr. Miske  
10:58AM 10 kept tabs on whether you, Lance Bermudez, and Dae Han Moon were  
10:58AM 11 cooperating?  
10:58AM 12 A Yes.  
10:58AM 13 Q You can take that down. Now you told us during your --  
10:58AM 14 you were asked some questions about Elgin Calles.  
10:58AM 15 Do you recall that?  
10:58AM 16 A Yes.  
10:58AM 17 Q And you told us during your direct testimony that you were  
10:58AM 18 tasked with assaulting Elgin by Wayne Miller.  
10:58AM 19 Do you remember that?  
10:58AM 20 A Yes.  
10:58AM 21 Q But you also told us that while you were tracking Elgin  
10:58AM 22 and with Wayne Miller, you overheard a phone conversation?  
10:58AM 23 A Yes.  
10:58AM 24 Q Where Mr. Miske was talking with Mr. Miller.  
10:58AM 25 Do you recall that?

10:58AM 1 A Yes.

10:58AM 2 Q And during that phone conversation, Mr. Miske was getting  
10:59AM 3 updates on the Elgin Calles job?

10:59AM 4 A Yes.

10:59AM 5 Q Asking if Miller had got it done yet?

10:59AM 6 A Yes.

10:59AM 7 Q And you told us at one point, you were following Elgin  
10:59AM 8 with Mr. Miller and you were about to assault him; is that  
10:59AM 9 right?

10:59AM 10 A Yes.

10:59AM 11 Q Is that near the Kapahulu area?

10:59AM 12 A Yes.

10:59AM 13 Q But then you were called off by by Mr. Miller at the last  
10:59AM 14 minute?

10:59AM 15 A Yes.

10:59AM 16 Q Did you also testify on direct that you knew that in the  
10:59AM 17 past, Mr. Miske had gotten people jobs at the docks?

10:59AM 18 A Yes.

10:59AM 19 Q And regarding Wayne Miller, on cross-examination you were  
10:59AM 20 asked some questions about sinking Mr. Miske.

10:59AM 21 Do you recall that?

10:59AM 22 A Yes.

10:59AM 23 Q Did you plan to sink Mr. Miske by telling the truth when  
10:59AM 24 you are testifying here today and in the grand jury?

10:59AM 25 A Yes.

10:59AM 1 Q Did you plan to sink Mr. Miske by testifying truthfully

11:00AM 2 about all the criminal acts you did for Mr. Miske?

11:00AM 3 A Yes.

11:00AM 4 Q By testifying truthfully about how Mr. Miske was your

11:00AM 5 crime boss?

11:00AM 6 A Yes.

11:00AM 7 Q By testifying truthfully about how you did things for

11:00AM 8 Mr. Miske in exchange for money?

11:00AM 9 A Yes.

11:00AM 10 Q By testifying truthfully about how you did criminal acts

11:00AM 11 to maintain or increase your status with Mr. Miske?

11:00AM 12 A Yes.

11:00AM 13 Q And as you told us yesterday, Mr. Miller was in the

11:00AM 14 trusted circle with Mr. Miske?

11:00AM 15 A Yes.

11:00AM 16 Q And when it came to that trusted circle with Mr. Miske,

11:00AM 17 was there any question about who the leader was?

11:00AM 18 A No.

11:00AM 19 Q Who was the leader?

11:00AM 20 A Mike.

11:00AM 21 Q You were asked a number of questions on cross-examination

11:01AM 22 about the day you were arrested?

11:01AM 23 A Yes.

11:01AM 24 Q And how you were interviewed after you were arrested?

11:01AM 25 A Yes.

11:01AM 1 Q And one of the things you were asked about is, you said  
11:01AM 2 you were asked about Jonathan Fraser; do you recall that?

11:01AM 3 A Yes.

11:01AM 4 Q And a conversation with Mr. Miske; do you recall that?

11:01AM 5 A Yes.

11:01AM 6 Q And you were asked if you said Mike -- essentially that  
11:01AM 7 Mike didn't talk about Jonathan Fraser; do you remember that?

11:01AM 8 A Yes.

11:01AM 9 MR. NAMMAR: If we can pull up Exhibit 9013-009 alpha  
11:01AM 10 only for the witness. Sorry, Judge, I don't know which one  
11:02AM 11 this is from. I just want to show him one little part on the  
11:02AM 12 screen.

11:02AM 13 THE COURT: Okay, go ahead. I'll try to find it in  
11:02AM 14 the meantime.

11:02AM 15 BY MR. NAMMAR:

11:02AM 16 Q Page 24.

11:02AM 17 MR. KENNEDY: Your Honor, I believe it's the original.

11:02AM 18 MR. NAMMAR: Thank you, Mr. Kennedy.

11:02AM 19 MR. KENNEDY: That's my recollection.

11:02AM 20 THE COURT: 009 is in the original, but I don't see  
11:02AM 21 009 alpha. Is that what you asked?

11:02AM 22 MR. KENNEDY: That is -- I believe alpha is the  
11:02AM 23 recording, Your Honor -- alpha is the -- I guess I was  
11:03AM 24 confused as to A as the audio. My apologies, Your Honor.

11:03AM 25 BY MR. NAMMAR:



11:03AM 1 Q If we can go to page 24 and if you could zoom in this part  
11:03AM 2 and read it to yourself and look up when you are done.  
11:03AM 3 A I'm done.  
11:03AM 4 Q Okay. We can take that down.  
11:03AM 5 So when you were arrested, you told the agents that  
11:03AM 6 Mr. Miske won't say much about Jonathan Fraser.  
11:03AM 7 Do you recall that?  
11:03AM 8 A Yes.  
11:03AM 9 Q And in fact, as you testified to on direct, you had asked  
11:03AM 10 Mr. Miske for details about what happened to Jonathan Fraser?  
11:03AM 11 A Yes.  
11:03AM 12 Q And he wouldn't give you details?  
11:03AM 13 A No.  
11:03AM 14 Q You wanted to know how he did it and where he disposed of  
11:04AM 15 the body, but he wouldn't tell you that?  
11:04AM 16 A Yes.  
11:04AM 17 Q But what he did tell you on that day that you were at the  
11:04AM 18 Bay and away from everybody was that Fraser was gone?  
11:04AM 19 A Yes.  
11:04AM 20 Q And is there any doubt in your mind he told you that?  
11:04AM 21 A No.  
11:04AM 22 Q And on the day that you were arrested, you were also asked  
11:04AM 23 about Miske taking care of you and letting you stay at  
11:04AM 24 Johnnie's.  
11:04AM 25 Do you recall that?

11:04AM 1 A Yes.

11:04AM 2 Q But when you were arrested and you were talking to the

11:04AM 3 agents, you also told them about how Miske would pay for you to

11:04AM 4 assault people?

11:04AM 5 A Yes.

11:04AM 6 Q And how you would get paid by Mr. Miske at the shop?

11:04AM 7 A Yes.

11:04AM 8 Q And over the course of your testimony in this trial, over

11:04AM 9 a number of days, you've told us about the perks that Mr. Miske

11:04AM 10 gave you?

11:04AM 11 A Yes.

11:04AM 12 Q How he let you borrow cars from the auction?

11:04AM 13 A Yes.

11:04AM 14 Q How he let you borrow money?

11:05AM 15 A Yes.

11:05AM 16 Q How he paid you money for assaults?

11:05AM 17 A Yes.

11:05AM 18 Q How you drank free at the club?

11:05AM 19 A Yes.

11:05AM 20 Q How he loaned you money for a deposit on your apartment?

11:05AM 21 A Yes.

11:05AM 22 Q In that interview, when you were initially arrested back

11:05AM 23 in August of 2018, that was about 90 minutes long?

11:05AM 24 A Yes.

11:05AM 25 Q You clearly can't tell them everything you know about

11:05AM 1 Mr. Miske in that 90 minutes, can you?

11:05AM 2 A No.

11:05AM 3 Q You've been here on your fourth day testifying, and you've  
11:05AM 4 told us about three years of committing crime with Mr. Miske;  
11:05AM 5 is that right?

11:05AM 6 A Yes.

11:05AM 7 Q And the interview in August of 2018 was just a snippet of  
11:05AM 8 time where you talked about some of the things that you did for  
11:05AM 9 Mr. Miske?

11:05AM 10 A Yes.

11:05AM 11 Q You didn't talk about all of the things?

11:05AM 12 A No.

11:05AM 13 Q You've been asked on cross-examination about a number of  
11:05AM 14 robberies.

11:05AM 15 In your plea agreement, did you admit to committing  
11:05AM 16 robberies as part of your racketeering conspiracy charge?

11:06AM 17 A Yes.

11:06AM 18 Q You admitted in that plea agreement to robbing Jorge Cano?

11:06AM 19 A Yes.

11:06AM 20 Q Nicholas Carignan?

11:06AM 21 A Yes.

11:06AM 22 Q Palani Mitchell?

11:06AM 23 A Yes.

11:06AM 24 Q To agreeing to rob Chris Bourne?

11:06AM 25 A Yes.

11:06AM 1 Q The Mapunapuna game room?

11:06AM 2 A Yes.

11:06AM 3 Q The Palama game room?

11:06AM 4 A Yes.

11:06AM 5 Q Brandon Torres?

11:06AM 6 A Yes.

11:06AM 7 Q And on cross, you were asked a number of questions about  
11:06AM 8 protection with respect to these robberies?

11:06AM 9 A Yes.

11:06AM 10 Q As I understand your testimony on direct, you were  
11:06AM 11 protected by Mr. Miske from retaliation?

11:06AM 12 A Yes.

11:06AM 13 Q Retaliation that could come after the fact?

11:06AM 14 A Yes.

11:06AM 15 Q Retaliation from drug dealers?

11:06AM 16 A Yes.

11:06AM 17 Q Or game room owners?

11:06AM 18 A Yes.

11:06AM 19 Q Because, as you told us, what was Mr. Miske's reputation  
11:06AM 20 in the community?

11:06AM 21 A People were scared of him.

11:06AM 22 Q And people knew you were affiliated with Mr. Miske?

11:06AM 23 A Yes.

11:06AM 24 Q You were asked a number of questions about gangs, and I  
11:07AM 25 want to talk to you briefly about that.

11:07AM 1 Just so we are clear, the crimes that you talked about  
11:07AM 2 during this trial were not committed for the benefit of La  
11:07AM 3 Familia?  
11:07AM 4 A No.  
11:07AM 5 Q Or the USO gang?  
11:07AM 6 A No.  
11:07AM 7 Q Or the Shooter Gang?  
11:07AM 8 A No.  
11:07AM 9 Q And as I understand it, the Shooter Gang does not exist?  
11:07AM 10 A No.  
11:07AM 11 Q And as for La Familia, you got out of that gang well  
11:07AM 12 before you went into federal custody?  
11:07AM 13 A Yes.  
11:07AM 14 Q And as you said, it was a prison thing?  
11:07AM 15 A Yes.  
11:07AM 16 Q Focused on protection in prison?  
11:07AM 17 A Yes.  
11:07AM 18 Q Over the last four days, you've talk about a number of  
11:07AM 19 crimes that you have committed for Mr. Miske because you wanted  
11:07AM 20 to stay in his good standing; is that right?  
11:07AM 21 A Yes.  
11:07AM 22 Q And get money?  
11:07AM 23 A Yes.  
11:07AM 24 Q And all the other perks you've talked about?  
11:07AM 25 A Yes.

11:07AM 1 Q Was Johnnie a part of La Familia?

11:07AM 2 A No.

11:07AM 3 Q Was Miller a part of La Familia?

11:08AM 4 A No.

11:08AM 5 Q Was Jason Yokoyama a part of La Familia?

11:08AM 6 A No.

11:08AM 7 Q Was Kaulana Freitas ever a part of La Familia?

11:08AM 8 A No.

11:08AM 9 MR. NAMMAR: Your Honor, if we could publish now

11:08AM 10 8013-39, which is from the 35th supp for the defense.

11:08AM 11 THE COURT: Go ahead.

11:08AM 12 BY MR. NAMMAR:

11:08AM 13 Q Go to page two. Zoom in on the top message.

11:08AM 14 You were asked about this message by Mr. Kennedy; do  
11:08AM 15 you recall that?

11:08AM 16 A Yes.

11:08AM 17 Q And in this message, do you mention that it's personal?

11:08AM 18 A Yes.

11:08AM 19 Q That he took your son's toys?

11:08AM 20 A Yes.

11:08AM 21 Q Do you see that?

11:08AM 22 A Yes.

11:08AM 23 Q What was personal about what Mr. Salas did?

11:09AM 24 A He was staying with us and he took things that belonged to  
11:09AM 25 my kids.

11:09AM 1 Q You say, "I don't like anybody to even touch him."

11:09AM 2 Do you see that?

11:09AM 3 A Yes.

11:09AM 4 Q It was personal and you wanted to handle it yourself; is  
11:09AM 5 that right?

11:09AM 6 A Yes.

11:09AM 7 Q Didn't have anything to do with La Familia?

11:09AM 8 A No.

11:09AM 9 Q We can take that down.

11:09AM 10 And after this message, as you testified, you made up  
11:09AM 11 with Mr. Salas?

11:09AM 12 A Yes.

11:09AM 13 Q And you two were cruising together again?

11:09AM 14 A Yes, he was hanging out with us again.

11:09AM 15 Q Well before you went into custody on your federal charge  
11:09AM 16 in 2018?

11:09AM 17 A Yes.

11:09AM 18 Q Now, moving now to August of 2019, you testified on  
11:09AM 19 August 1, 2019 in the grand jury?

11:09AM 20 A Yes.

11:09AM 21 Q That was about a year after you were arrested?

11:09AM 22 A Yes.

11:09AM 23 Q And did you review that transcript in preparation for your  
11:10AM 24 trial testimony here today?

11:10AM 25 A Yes.

11:10AM 1 Q Many of the things you testified to in this trial you also  
11:10AM 2 told the grand jury, right?

11:10AM 3 A Yes.

11:10AM 4 Q So you are not testifying to these things under oath for  
11:10AM 5 the first time, are you?

11:10AM 6 A No.

11:10AM 7 Q Let's walk through some of the things you told the grand  
11:10AM 8 jury.

11:10AM 9 You told them about assaults you did for Mr. Miske?

11:10AM 10 A Yes.

11:10AM 11 Q Did you tell them how Mr. Miske hired you in January of  
11:10AM 12 2016 to assault the car dealer -- excuse me, let me strike  
11:10AM 13 that. Let me rephrase.

11:10AM 14 Did you tell them how in January of 2016, Mr. Miske  
11:10AM 15 hired you to assault Kawika?

11:10AM 16 A Yes.

11:10AM 17 Q How you did that at the Cutter Chevrolet with the help of  
11:10AM 18 Johnnie Stancil?

11:10AM 19 A Yes.

11:10AM 20 Q And did you tell the grand jury that after that assault,  
11:10AM 21 you were paid \$2,000 by Michael Miske?

11:10AM 22 A Yes.

11:10AM 23 Q Did you also tell the grand jury that Mr. Miske ordered  
11:10AM 24 you to assault the car dealer off of Nimitz Highway?

11:11AM 25 A Yes.



11:11AM 1 Q The one near the Eagle Cafe?

11:11AM 2 A Yes.

11:11AM 3 Q And did you tell the grand jury that this was the one

11:11AM 4 where Mr. Miske was mad at you after the fact?

11:11AM 5 A Yes.

11:11AM 6 Q Because you had not hospitalized the target of that

11:11AM 7 assault enough?

11:11AM 8 A Yes.

11:11AM 9 Q And did you also tell the grand jury how you were tasked

11:11AM 10 with an assault of a dentist in the Diamond Head area of town?

11:11AM 11 A Yes.

11:11AM 12 Q And did you also tell the grand jury how Mr. Miske had

11:11AM 13 tasked you with the assault of Ryan Teramoto?

11:11AM 14 A Yes.

11:11AM 15 Q And later, the home invasion of Ryan Teramoto?

11:11AM 16 A Yes.

11:11AM 17 Q Did you also tell the grand jury about -- excuse me,

11:11AM 18 strike that.

11:11AM 19 Did you also tell the grand jury about assaults at the

11:11AM 20 M Nightclub as directed by Jason Yokoyama?

11:11AM 21 A Yes.

11:11AM 22 Q Did you tell them that Miske said you should be ready to

11:12AM 23 assault people if Jason asks?

11:12AM 24 A Yes.

11:12AM 25 Q Did you tell the grand jury that you committed two

11:12AM 1 assaults at Jason's direction at the nightclub?

11:12AM 2 A Yes.

11:12AM 3 Q Did you also tell the grand jury about how Mr. Miske

11:12AM 4 tasked you with assaulting the owner of the Ginza nightclub?

11:12AM 5 A Yes.

11:12AM 6 Q And did you tell them that during that assault, Miske was

11:12AM 7 yelling at that owner to give the Rolex watch back?

11:12AM 8 A Yes.

11:12AM 9 Q And that Miske was telling the owner of Ginza that Jason

11:12AM 10 was family?

11:12AM 11 A Yes.

11:12AM 12 Q Did you also tell the grand jury that at Miske's

11:12AM 13 direction, you assaulted a Kama'aina Termite employee with a

11:12AM 14 baton?

11:12AM 15 A Yes.

11:12AM 16 Q And that you did that in Mr. Miske's office?

11:12AM 17 A Yes.

11:12AM 18 Q Did you tell the grand jury how Mr. Miske tasked you with

11:12AM 19 assaulting somebody by the name of Jason Smith at a chicken

11:12AM 20 fight?

11:12AM 21 A Yes.

11:12AM 22 Q Did you also tell the grand jury about Joe Boy Tavares?

11:12AM 23 A Yes.

11:12AM 24 Q Did you tell them about the murder for contract that

11:12AM 25 Mr. Miske had put on Joe Boy Tavares?

11:13AM 1 A Yes.

11:13AM 2 Q Did you tell them about how Mr. Miske summons you and  
11:13AM 3 Lance Bermudez to the Kam shopping center?

11:13AM 4 A Yes.

11:13AM 5 Q Did you tell them that, at that time, Mr. Miske knew that  
11:13AM 6 you were cruising with Lance Bermudez and that you were doing  
11:13AM 7 lots of shootings and robberies?

11:13AM 8 A Yes.

11:13AM 9 Q And did you tell the grand jury that at that meeting,  
11:13AM 10 Mr. Miske said he wanted Joe Boy dead?

11:13AM 11 A Yes.

11:13AM 12 Q And that after that meeting, Lance told you that he went  
11:13AM 13 to Joe Boy's house with Dae Han Moon to kill Joe Boy Tavares?

11:13AM 14 A Yes.

11:13AM 15 Q And did you tell the grand jury that Lance Bermudez  
11:13AM 16 accepted the murder for hire contract?

11:13AM 17 A Yes.

11:13AM 18 Q And that after it was accepted, that Mr. Miske would ask  
11:13AM 19 for updates on the status of the murder through Johnnie  
11:13AM 20 Stancil?

11:13AM 21 A Yes.

11:13AM 22 Q That he would ask you for those updates?

11:13AM 23 A Yes.

11:13AM 24 Q Regarding Jonathan Fraser, did you tell the grand jury  
11:13AM 25 that Miske told you that he was frustrated with Wayne Miller?

11:14AM 1 A Yes.

11:14AM 2 Q Frustrated because Wayne Miller had not killed Jonathan

11:14AM 3 Fraser?

11:14AM 4 A Yes.

11:14AM 5 Q And did you tell the grand jury about how one day, you

11:14AM 6 were with Mr. Miske at the Bay?

11:14AM 7 A Yes.

11:14AM 8 Q And he told you that Fraser was gone?

11:14AM 9 A Yes.

11:14AM 10 Q Did you also tell the grand jury about how you talked to

11:14AM 11 Lance Bermudez after he got out of OCCC?

11:14AM 12 A Yes.

11:14AM 13 Q And how Lance told you that he had grabbed a van for

11:14AM 14 Jason?

11:14AM 15 A Yes.

11:14AM 16 Q And Jason -- when Jason was talking to him, he had tears

11:14AM 17 in the eyes?

11:14AM 18 A Yes.

11:14AM 19 Q And that Lance told you that he picked up the van from

11:14AM 20 Hawaii Kai and burned it?

11:14AM 21 A Yes.

11:14AM 22 Q And that Lance told you he believed the van was related to

11:14AM 23 Jonathan Fraser?

11:14AM 24 A Yes.

11:14AM 25 Q And that Lance told you he did it with Dae Han Moon?

11:14AM 1 A Yes.

11:14AM 2 Q Did you also tell the grand jury that Mr. Miske recruited  
11:14AM 3 you to participate in a chemical weapons attack?

11:15AM 4 A Yes.

11:15AM 5 Q And did you tell the grand jury that you participated in  
11:15AM 6 both attacks as the driver?

11:15AM 7 A Yes.

11:15AM 8 Q Did you tell the grand jury that Kaulana did the first  
11:15AM 9 night at the District?

11:15AM 10 A Yes.

11:15AM 11 Q And did you tell the grand jury that after the District,  
11:15AM 12 you called Mr. Miske and he was laughing about it?

11:15AM 13 A Yes.

11:15AM 14 Q Did you tell the grand jury that for the second night,  
11:15AM 15 Mr. Miske tasked you with recruiting a female?

11:15AM 16 A Yes.

11:15AM 17 Q And that you recruited Ashlin Akau?

11:15AM 18 A Yes.

11:15AM 19 Q Did you tell the grand jury that you had talked to Johnnie  
11:15AM 20 Stancil in advance of the chemical attacks, and he had told you  
11:15AM 21 about Addiction?

11:15AM 22 A Yes.

11:15AM 23 Q About how you previously poured out a chemical in  
11:15AM 24 Addiction by the booth?

11:15AM 25 A Yes.

11:15AM 1 Q Did you also tell the grand jury that you went to Johnnie  
11:15AM 2 Stancil's house in Waimanalo with Ashlin Akau before the Ginza  
11:15AM 3 incident?

11:15AM 4 A Yes.

11:15AM 5 Q Did you talk to the grand jury about Officer Spiker?

11:16AM 6 A I believe so.

11:16AM 7 Q Did you tell the grand jury about how Mr. Miske wanted you  
11:16AM 8 to assault Officer Spiker?

11:16AM 9 A Yes.

11:16AM 10 Q Did you also talk to the grand jury about Kualoa Ranch?

11:16AM 11 A Yes.

11:16AM 12 Q And how, before the Kualoa Ranch shooting, Mr. Miske asked  
11:16AM 13 you if you had a gun?

11:16AM 14 A Yes.

11:16AM 15 Q How, before the Kualoa shooting, Johnnie had a mask and a  
11:16AM 16 gun?

11:16AM 17 A Yes.

11:16AM 18 Q And how, at the ranch, Johnnie came out of the car with  
11:16AM 19 his mask on and his gun drawn?

11:16AM 20 A Yes.

11:16AM 21 Q And how Johnnie was running after Lindsey Kinney with his  
11:16AM 22 gun drawn?

11:16AM 23 A Yes.

11:16AM 24 Q And how you shot off in the air in the direction of  
11:16AM 25 Lindsey Kinney, but intending to miss?

11:16AM 1 A Yes.

11:16AM 2 Q And that you were not sure whether Johnnie Stancil fired  
11:16AM 3 his gun?

11:16AM 4 A Yes.

11:16AM 5 Q And how, after that incident, Lindsey Kinney kept posting  
11:16AM 6 videos?

11:16AM 7 A Yes.

11:16AM 8 Q Did you tell the grand jury that Mr. Miske was pissed  
11:17AM 9 because of the videos that Lindsey Kinney was posting?

11:17AM 10 A Yes.

11:17AM 11 Q Did you tell the grand jury that Mr. Miske then asked you  
11:17AM 12 to kill or find someone to kill Lindsey Kinney?

11:17AM 13 A Yes.

11:17AM 14 Q Did you tell the grand jury how Mr. Miske gave you and  
11:17AM 15 Johnnie a van to commit that murder?

11:17AM 16 A Yes.

11:17AM 17 Q And how he told you to tape everything up when you  
11:17AM 18 committed the murder of Lindsey Kinney with duct tape?

11:17AM 19 A Yes.

11:17AM 20 Q Did you also tell the grand jury about the street sweeper  
11:17AM 21 shotgun that you testified to on direct?

11:17AM 22 A Yes.

11:17AM 23 Q That was recovered by the police in a stolen Mercedes?

11:17AM 24 A Yes.

11:17AM 25 Q Did you tell the grand jury that you got it from Dusky Boy

11:17AM 1 and Dayson's brother's friend?

11:17AM 2 A Yes.

11:17AM 3 Q Did you also tell the grand jury about Aloha Tattoo?

11:17AM 4 A Yes.

11:17AM 5 Q How Mr. Miske met you at Roy's before the Aloha Tattoo

11:17AM 6 incident and asked you to assault the owner of Aloha Tattoo?

11:17AM 7 A Yes.

11:17AM 8 Q That Mr. Miske told you that it was because his friend

11:17AM 9 Billy was mobbed by the owner of Aloha Tattoo?

11:18AM 10 A Yes.

11:18AM 11 Q Did you also tell the grand jury about how after the Aloha

11:18AM 12 Tattoo, Mr. Miske sent you to the Safeway in Kailua?

11:18AM 13 A Yes.

11:18AM 14 Q And told you to bring Cash and Jayward, the two boys, in

11:18AM 15 the back?

11:18AM 16 A Yes.

11:18AM 17 Q And how you talked to Cash and Jayward afterward, and they

11:18AM 18 said that Mr. Miske had a mask on?

11:18AM 19 A Yes.

11:18AM 20 Q And that Mr. Miske told them not to tell?

11:18AM 21 A Yes.

11:18AM 22 Q Did you tell the grand jury that Mr. Miske gave you money

11:18AM 23 for a hotel?

11:18AM 24 A Yes.

11:18AM 25 Q And that you then took Cash and Jayward at his direction



11:18AM 1 to the DoubleTree hotel after the Aloha Tattoo incident?

11:18AM 2 A Yes.

11:18AM 3 Q Did you tell the grand jury that Mr. Miske tasked you with  
11:18AM 4 burning down the house of Daniel Miller?

11:18AM 5 A Yes.

11:18AM 6 Q And how you and Lance Bermudez went out to Daniel Miller's  
11:18AM 7 house to scout it out?

11:18AM 8 A Yes.

11:18AM 9 Q Did you tell the grand jury about how Mr. Miske tasked you  
11:19AM 10 with robbing Chris Bourne?

11:19AM 11 A Yes.

11:19AM 12 Q And how Mr. Miske took you by Mr. Bourne's house in Hawaii  
11:19AM 13 Kai?

11:19AM 14 A Yes.

11:19AM 15 Q And did you tell the grand jury that you and Frankie Silva  
11:19AM 16 waited outside of Chris Bourne's house to scope out the job?

11:19AM 17 A Yes.

11:19AM 18 Q Did you tell the grand jury that Mr. Miske was paying for  
11:19AM 19 Alen Kaneshiro to represent you?

11:19AM 20 A Yes.

11:19AM 21 Q And did you tell the grand jury that once you got a DUI,  
11:19AM 22 you had to pay for Alen yourself?

11:19AM 23 A Yes.

11:19AM 24 Q Did you tell the grand jury that Miske paid for Lance  
11:19AM 25 Bermudez's attorney?

11:19AM 1 A Yes.

11:19AM 2 Q And did you tell the grand jury that Mr. Miske had passed  
11:19AM 3 a message to Lance Bermudez, while he was incarcerated, through  
11:19AM 4 a prison guard named Scott?

11:19AM 5 A Yes.

11:19AM 6 Q Now, you were asked on cross about a number of law  
11:20AM 7 enforcement reports that documented meetings with you and the  
11:20AM 8 FBI?

11:20AM 9 A Yes.

11:20AM 10 Q Was there a court reporter at those meetings taking down  
11:20AM 11 every word you said?

11:20AM 12 A I think there was somebody taking notes.

11:20AM 13 Q Was there a court reporter like here in this trial taking  
11:20AM 14 down word for word, like, what you said?

11:20AM 15 A No.

11:20AM 16 Q But when you testified in the grand jury, there was a  
11:20AM 17 court reporter taking down what you said?

11:20AM 18 A Yes.

11:20AM 19 Q And it was word for word what you said?

11:20AM 20 A Yes.

11:20AM 21 Q Have you told the truth during your testimony?

11:20AM 22 A Yes.

11:20AM 23 Q Does the plea agreement say anything about giving  
11:20AM 24 testimony?

11:20AM 25 A Yes.

11:20AM 1 Q Does it say you must testify truthfully?

11:20AM 2 A Yes.

11:20AM 3 Q Do you know what discovery is?

11:20AM 4 A Yes.

11:20AM 5 Q Have you received a lot of discovery related to your case?

11:20AM 6 A No.

11:20AM 7 Q Do you have any idea, for example, what Ashlin Akau has

11:20AM 8 said about the chemical weapons attack?

11:20AM 9 A No.

11:20AM 10 Q Do you have any idea, for example, what Jayward has said

11:21AM 11 about the Aloha Tattoo incident?

11:21AM 12 A No.

11:21AM 13 Q What is your understanding of what will happen if you

11:21AM 14 don't tell the truth during your testimony here today?

11:21AM 15 A There is new charges.

11:21AM 16 Q Have any promises been made to you?

11:21AM 17 A No.

11:21AM 18 Q About what sentence you'll get?

11:21AM 19 A No.

11:21AM 20 Q What is the maximum penalty you understand you are facing

11:21AM 21 for the crimes you have pled guilty to?

11:21AM 22 A Life.

11:21AM 23 Q What do you understand is the most important thing to

11:21AM 24 remember about your testimony here today?

11:21AM 25 A That it needs to be honest.

11:21AM 1 MR. NAMMAR: Nothing further, Your Honor.

11:21AM 2 THE COURT: Mr. Kennedy.

11:21AM 3 MR. KENNEDY: Your Honor, may we approach for one  
11:21AM 4 question?

11:21AM 5 THE COURT: Yes.

11:22AM 6 (Sidebar on the record:)

11:22AM 7 MR. KENNEDY: I don't anticipate a lengthy recross.  
11:22AM 8 It would be very short. The government asked a number of  
11:22AM 9 questions about did you tell the grand jury, did you tell the  
11:22AM 10 grand jury. The court ruled on the evidence related to  
11:22AM 11 polygraphs. And the only reason I bring it up is that the  
11:22AM 12 government in the grand jury questioned Mr. Smith about the  
11:22AM 13 fact that they had him take a polygraph and that he failed the  
11:22AM 14 polygraph, and they asked him if he had anything to do with it.  
11:22AM 15 So I'm not offering it for the purpose of that.

11:22AM 16 That is normally offered, but before I ask the  
11:22AM 17 question, I obviously want to say that, did you tell the grand  
11:22AM 18 jury, I think it was pertinent to the credibility of Mr. Smith.  
11:23AM 19 And that's why I raised it at side bar.

11:23AM 20 THE COURT: Okay. Mr. Nammar.

11:23AM 21 MR. NAMMAR: Your Honor, the Court has already ruled,  
11:23AM 22 and the only reason I went into the grand jury testimony, which  
11:23AM 23 is what we do in every case where someone tries to discredit  
11:23AM 24 the credibility of our witness, which he did for hours and  
11:23AM 25 hours and hours. There is no reason to go into that. I didn't

11:23AM 1 touch that part about the polygraph. And the Court has ruled  
11:23AM 2 for good reason that that should not be brought up.

11:23AM 3 THE COURT: So if you intend -- I'm not exactly sure  
11:23AM 4 of what question regarding the polygraph you intend to ask or  
11:23AM 5 what series of questions, but going into the polygraph  
11:23AM 6 questioning that he may have been asked, and I don't even have  
11:23AM 7 that all in front of me in terms of what specifically he was  
11:23AM 8 asked in the grand jury with regard to the polygraph, but  
11:23AM 9 that's an area that I have ruled on in limine.

11:23AM 10 I understand why you're bringing it up precisely  
11:23AM 11 because of that reason, but that won't be permitted to go into  
11:24AM 12 on recross.

11:24AM 13 MR. KENNEDY: I only brought it up because normally,  
11:24AM 14 it is not a question that's posed to the grand jury. And the  
11:24AM 15 purpose of it wasn't to say that the polygraph proved  
11:24AM 16 something. It was, we did this to you and now I'm going to ask  
11:24AM 17 you again under oath. So that's why I brought it up, that it  
11:24AM 18 was the asking of the question in front of the grand jury goes  
11:24AM 19 to credibility; it's one of those other factors. So I  
11:24AM 20 understand the court's ruling.

11:24AM 21 (End of side bar.)

11:24AM 22 THE COURT: Mr. Kennedy, you may begin recross when  
11:24AM 23 you are ready.

11:24AM 24 RECROSS-EXAMINATION

11:24AM 25 BY MR. KENNEDY:

11:24AM 1 Q Sir, the government just asked you a number of questions  
11:24AM 2 about your grand jury testimony, correct?

11:24AM 3 A Yes.

11:24AM 4 Q And you've been testifying for, now on your fourth day,  
11:25AM 5 right?

11:25AM 6 A Yes.

11:25AM 7 Q And the grand jury testimony, as we pointed out at times  
11:25AM 8 on cross, was different than the tape recorded interview that  
11:25AM 9 you gave on August 14, 2018, correct?

11:25AM 10 A Some of it.

11:25AM 11 Q Now, I'm going to -- I'm not going to redo the entire  
11:25AM 12 direct and cross. I have a question for you with respect to  
11:25AM 13 that interview on August 14th of 2018. You were asked a  
11:25AM 14 specific question related to Jonathan Fraser and you were asked  
11:25AM 15 has Mike said anything to you, and your answer was Mike doesn't  
11:25AM 16 say anything about it. Correct?

11:25AM 17 A I said Mike doesn't talk to me about it. We would have to  
11:25AM 18 talk at the Bay about it.

11:25AM 19 Q Yes.

11:25AM 20 A That's not something we would talk about every day.

11:26AM 21 Q Right. And so what you said was that you -- "but you  
11:26AM 22 know, like, if I brought it up or something, like, oh, fuck,  
11:26AM 23 you just, like, he'd be, like, he doesn't say much. I mean, he  
11:26AM 24 won't say much. The time I would have to, like, talk to him  
11:26AM 25 and shit, I would be able to talk to him at the Bay. He likes

11:26AM 1 talk at the Bay.

11:26AM 2 At that time, on the -- August 14, 2018, he hadn't

11:26AM 3 said a word to you, and that's what you told them, right?

11:26AM 4 Mike doesn't say anything about it, correct?

11:26AM 5 A I'm saying it's not something we talk about every day,

11:26AM 6 correct.

11:26AM 7 Q So you were saying you would have to get out to hear

11:26AM 8 something that never happened, right?

11:26AM 9 A I'm saying that I would have to get out to hear exact

11:26AM 10 details, because I don't know details.

11:26AM 11 Q That wasn't the question that was asked.

11:26AM 12 The question was: Has Mike said anything to you?

11:26AM 13 And your answer was, Mike doesn't say anything about

11:27AM 14 it, period, correct?

11:27AM 15 A I'm saying me and Mike don't talk about it, yes. But I'm

11:27AM 16 saying that I would have to get out to get details.

11:27AM 17 Q Sir. Sir, it's a very simple question. The question is

11:27AM 18 has Mike said anything to you? And your answer was Mike

11:27AM 19 doesn't say anything about it, correct?

11:27AM 20 A Correct.

11:27AM 21 Q Nothing further.

11:27AM 22 THE COURT: All right, Mr. Smith. You may step down.

11:27AM 23 Thank you.

11:27AM 24 THE WITNESS: Thank you.

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United  
3 States District Court, District of Hawaii, do hereby certify  
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,  
5 true, and correct transcript from the stenographically reported  
6 proceedings held in the above-entitled matter and that the  
7 transcript page format is in conformance with the regulations  
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, May 28, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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